Beverly Hills City Council Liaison / Newspaper/Advertising Ad Hoc Committee will conduct a Special Meeting, at the following time and place, and will address the agenda listed below:

CITY OF BEVERLY HILLS
455 N. Rexford Drive
Room 280A
Beverly Hills, CA 90210

IN-PERSON / TELEPHONIC / VIDEO CONFERENCE MEETING

Beverly Hills Liaison Meeting
https://beverlyhills-org.zoom.us/my/committee
Meeting ID: 516 191 2424
Passcode: 90210

You can also dial in by phone:
+1 669 900 9128 US
+1 833 548 0282 (Toll-Free)

One tap mobile
+16699009128,,5161912424# US
+18335480282,,5161912424# US (Toll-Free)

Wednesday, August 24, 2022
5:15 PM

In the interest of maintaining appropriate social distancing, members of the public can view this meeting through live webcast at www.beverlyhills.org/live and on BH Channel 10 or Channel 35 on Spectrum Cable, and can participate in the teleconference/video conference by using the link above. Written comments may be emailed to mayorandcitycouncil@beverlyhills.org and will also be taken during the meeting when the topic is being reviewed by the Beverly Hills City Council Liaison / Newspaper/Advertising Ad Hoc Committee. Beverly Hills Liaison meetings will be in-person at City Hall.

AGENDA

1) Public Comment
   a. Members of the public will be given the opportunity to directly address the Committee on any item listed on the agenda.

2) Resolution of the Beverly Hills City Council Liaison / Newspaper/Advertising Ad Hoc Committee continuing to authorize public meetings to be held via teleconferencing pursuant to Government Code Section 54953(e) and making findings and determination regarding the same.

Recent legislation was adopted allowing the Beverly Hills City Council Liaison / Newspaper/Advertising Ad Hoc Committee to continue virtual meetings during the COVID-19 declared emergency subject to certain conditions and the proposed resolution implements the necessary requirements.
3) Discussion and Proposal of the City’s Annual Newspaper Advertising Bid Requirements for Fiscal Year 2022/23

4) Future Agenda Items

5) Adjournment

Huma Ahmed
City Clerk

Posted: August 19, 2022

A DETAILED LIAISON AGENDA PACKET IS AVAILABLE FOR REVIEW AT WWW.BEVERLYHILLS.ORG

Pursuant to the Americans with Disabilities Act, the City of Beverly Hills will make reasonable efforts to accommodate persons with disabilities. If you require special assistance, please call (310) 285-1014 (voice) or (310) 285-6881 (TTY). Providing at least forty-eight (48) hours advance notice will help to ensure availability of services. City Hall, including Room 280A is wheelchair accessible.
STAFF REPORT

Meeting Date: August 24, 2022
To: City Council Liaison / Newspaper/Advertising Ad Hoc Committee
From: Huma Ahmed, City Clerk
Subject: A RESOLUTION OF THE CITY COUNCIL LIAISON / NEWSPAPER/ADVERTISING AD HOC COMMITTEE OF THE CITY OF BEVERLY HILLS CONTINUING TO AUTHORIZE PUBLIC MEETINGS TO BE HELD VIA TELECONFERENCING PURSUANT TO GOVERNMENT CODE SECTION 54953(e) AND MAKING FINDINGS AND DETERMINATIONS REGARDING THE SAME

Attachments: 1. Proposed resolution

RECOMMENDATION

Staff and the City Attorney’s office recommend that the City Council Liaison / Newspaper/Advertising Ad Hoc Committee adopt a resolution making the following findings so that meetings of the City Council Liaison / Newspaper/Advertising Ad Hoc Committee will be subject to the special Brown Act requirements for teleconference meetings: (1) the City Council Liaison / Newspaper/Advertising Ad Hoc Committee has reconsidered the circumstances of the COVID-19 state of emergency; (2) the state of emergency continues to directly impact the ability of the members to meet safely in person; and (3) state or local officials continue to impose or recommend measures to promote social distancing. Though the City Council Liaison / Newspaper/Advertising Ad Hoc Committee adopted such a resolution in the past, these findings must be continuously made to continue to hold meetings under these special teleconferencing requirements.

FISCAL IMPACT

The proposed resolution allowing the City Council Liaison / Newspaper/Advertising Ad Hoc Committee greater flexibility to conduct teleconference meetings is unlikely to cause a greater fiscal impact to the City as the City Council Liaison / Newspaper/Advertising Ad Hoc Committee has been conducting such teleconference meetings for over a year.
INTRODUCTION

AB 361 allows the City Council Liaison / Newspaper/Advertising Ad Hoc Committee to continue virtual meetings during the COVID-19 declared emergency subject to certain conditions. These special requirements give the City greater flexibility to conduct teleconference meetings when there is a declared state of emergency and either social distancing is mandated or recommended, or an in-person meeting would present imminent risks to the health and safety of attendees.

BACKGROUND

On September 16, 2021, the Governor signed AB 361, amending the Brown Act to establish special requirements for teleconference meetings if a legislative body of a local public agency holds a meeting during a proclaimed state of emergency and either state or local officials have imposed or recommended measures to promote social distancing, or the body determines, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

AB 361 authorizes local agencies to continue meeting remotely without following the Brown Act’s standard teleconferencing provisions if the meeting is held during a state of emergency proclaimed by the Governor and either of the following applies: (1) state or local officials have imposed or recommended measures to promote social distancing; or (2) the agency has already determined or is determining whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

DISCUSSION

To continue to hold meetings under these special teleconferencing requirements, the City Council Liaison / Newspaper/Advertising Ad Hoc Committee needs to make two findings pursuant to Government Code Section 54953(e)(3). First, there must be a declared state of emergency and the City Council Liaison / Newspaper/Advertising Ad Hoc Committee must find that it has reconsidered the circumstances of such emergency. Second, the City Council Liaison / Newspaper/Advertising Ad Hoc Committee must find that such emergency continues to directly impact the ability of the City Council Liaison / Newspaper/Advertising Ad Hoc Committee’s members to meet in person. Alternatively, for the second finding, the City Council Liaison / Newspaper/Advertising Ad Hoc Committee must find that state or local officials continue to impose or recommend social distancing measures. These findings must be continuously made to continue to hold meetings under these special teleconferencing requirements.

The declared emergency is still in effect. Furthermore, the State of California and the County of Los Angeles have recommended measures to promote social distancing. The Centers for Disease Control and Prevention continue to advise that COVID-19 spreads more easily indoors than outdoors and that people are more likely to be exposed to COVID-19 when they are closer than 6 feet apart from others for longer periods of time. Additionally, the Los Angeles County Department of Public Health still encourages people at risk for severe illness of death from COVID-19 to take protective measures such as social distancing and, for those not yet fully vaccinated, to physically distance from others whose vaccination status is unknown. The County Health Department also continues to
recommend that employers take steps to support physical distancing and the City Council continues to recommend steps to reduce crowding indoors and to support physical distancing at City meetings to protect the health and safety of meeting attendees.

Please note that AB 361 applies to all legislative bodies. Therefore, Commissions and standing committees will need to also comply with the requirements of AB 361.

Huma Ahmed
Secretary of the
City Council Liaison /
Newspaper/Advertising Ad Hoc Committee
Approved By
RESOLUTION NO. CCL-NAAH-01

RESOLUTION OF THE CITY COUNCIL LIAISON / NEWSPAPER/ADVERTISING AD HOC COMMITTEE OF THE CITY OF BEVERLY HILLS CONTINUING TO AUTHORIZE PUBLIC MEETINGS TO BE HELD VIA TELECONFERENCING PURSUANT TO GOVERNMENT CODE SECTION 54953(e) AND MAKING FINDINGS AND DETERMINATIONS REGARDING THE SAME

WHEREAS, the City Council Liaison / Newspaper/Advertising Ad Hoc Committee is committed to public access and participation in its meetings while balancing the need to conduct public meetings in a manner that reduces the likelihood of exposure to COVID-19 and to support physical distancing during the COVID-19 pandemic; and

WHEREAS, all meetings of the City Council Liaison / Newspaper/Advertising Ad Hoc Committee are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code Sections 54950 – 54963), so that any member of the public may attend, participate, and watch the City Council Liaison / Newspaper/Advertising Ad Hoc Committee conduct its business; and

WHEREAS, pursuant to Assembly Bill 361, signed by Governor Newsom and effective on September 16, 2021, legislative bodies of local agencies may hold public meetings via teleconferencing pursuant to Government Code Section 54953(e), without complying with the requirements of Government Code Section 54953(b)(3), if the legislative body complies with certain enumerated requirements in any of the following circumstances:

1. The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

2. The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the
emergency, meeting in person would present imminent risks to the health or safety of attendees.

3. The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency in response to the COVID-19 pandemic (the “Emergency”); and

WHEREAS, the Centers for Disease Control and Prevention continue to advise that COVID-19 spreads more easily indoors than outdoors and that people are more likely to be exposed to COVID-19 when they are closer than 6 feet apart from others for longer periods of time; and

WHEREAS, the Los Angeles County “Responding together at Work and in the Community Order (8.23.21)” provides that all individuals and businesses are strongly encouraged to follow the Los Angeles County Public Health Department Best Practices. The Los Angeles County Public Health Department “Best Practices to Prevent COVID-19 Guidance for Businesses and Employers”, updated on September 13, 2021, recommend that employers take steps to reduce crowding indoors and to support physical distancing between employees and customers; and

WHEREAS, the unique characteristics of public governmental buildings is another reason for continuing teleconferenced meetings, including the increased mixing associated with bringing people together from across several communities, the need to enable those who are immunocompromised or unvaccinated to be able to safely continue to fully participate in public
meetings and the challenge of achieving compliance with safety requirements and recommendations in such settings; and

WHEREAS, the Beverly Hills City Council has adopted a resolution that continues to recommend steps to reduce crowding indoors and to support physical distancing at City meetings to protect the health and safety of meeting attendees; and

WHEREAS, due to the ongoing COVID-19 pandemic and the need to promote social distancing to reduce the likelihood of exposure to COVID-19, the City Council Liaison / Newspaper/Advertising Ad Hoc Committee intends to continue holding public meetings via teleconferencing pursuant to Government Code Section 54953(e).

NOW, THEREFORE, the City Council Liaison / Newspaper/Advertising Ad Hoc Committee of the City of Beverly Hills resolves as follows:

Section 1. The Recitals provided above are true and correct and are hereby incorporated by reference.

Section 2. The City Council Liaison / Newspaper/Advertising Ad Hoc Committee hereby determines that, as a result of the Emergency, meeting in person presents imminent risks to the health or safety of attendees.

Section 3. The City Council Liaison / Newspaper/Advertising Ad Hoc Committee shall continue to conduct its meetings pursuant to Government Code Section 54953(e).

Section 4. Staff is hereby authorized and directed to continue to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code Section 54953(e) and other applicable provisions of the Brown Act.
Section 5. The City Council Liaison / Newspaper/Advertising Ad Hoc Committee has reconsidered the circumstances of the state of emergency and finds that: (i) the state of emergency continues to directly impact the ability of the members to meet safely in person, and (ii) state or local officials continue to impose or recommend measures to promote social distancing.

Section 6. The Secretary of the City Council Liaison / Newspaper/Advertising Ad Hoc Committee shall certify to the adoption of this Resolution and shall cause this Resolution and her certification to be entered in the Book of Resolution of the City Council Liaison / Newspaper/Advertising Ad Hoc Committee of this City.

Adopted: August 24, 2022

LILI BOSSE
Presiding Councilmember of the City Council Liaison / Newspaper/Advertising Ad Hoc Committee of the City of Beverly Hills, California
MEMORANDUM

TO: City Council Newspaper/Advertising Ad Hoc Committee Liaisons  
FROM: Huma Ahmed, City Clerk  
        Michelle Ramos-Vergara, Management Analyst  
        Keith Sterling, Chief Communications Officer  
DATE: August 24, 2022  
SUBJECT: Review of Newspaper Advertising Bid for FY 2022-2023  
ATTACHMENTS: 1. Evaluation Criteria and Selection Process

INTRODUCTION

An annual legal advertisement and noticing Bid is released by the City Clerk’s office per California Public Contract Code Section 20169. These bids must be solicited on an annual basis. At the City Council’s direction, display advertisements for the City of Beverly Hills have also been included within the process.

Staff requests the City Council Newspaper/Advertising Ad Hoc Committee Liaisons (Mayor Bosse and Councilmember Friedman) review and provide input on the following proposed changes to the FY 2022-23 Request for Bid:

- Ad Placement  
- Schedule of Rates and Pricing Request  
- Independent Verified Circulation Audit  
- Online Metrics

Also for City Council Ad Hoc Committee consideration, approving the continuation of requiring the following items within the bid:

- Valid Certificate of Adjudication  
- Map of Newspaper Delivery Area  
- Sample Advertisements

This report is to seek the City Council Liaisons feedback on items to be included within the Bid. Funding options will not be discussed at this meeting.

DISCUSSION

Locally adjudicated newspapers of general circulation as defined in Section 6008 of the Government Code are invited to participate in the City’s annual bid solicitation for Newspaper advertising.
Newspaper advertising is available in two major divisions: display ads or classified ads. Display ads span multiple columns horizontally and often include graphics and borders. Classified advertising is in-column advertising that follows the natural flow of the column down the page vertically.¹

The City is legally required to place certain advertisements. Legally required advertisements can be display ads such as Public Hearing Notices and Summarized Ordinances which are normally placed in the front pages/section of a newspaper. Legally required advertisements can also be classified ads such as full length ordinances, full length resolutions, and certain Requests for Bids (RFBs) which are normally placed in the back pages/classified section of a newspaper. Both rates are the same whether or not an advertisement is legally required to be printed.

Staff recommends the following for the FY 2022-23 Newspaper Advertising Bid for City Council Liaison consideration:

**PROPOSED CHANGES:**

✓ **AD PLACEMENT.** Unless otherwise directed by the City Council Ad Hoc Liaisons, staff recommends to further clarify language within the Bid regarding the ad placement. The City's legal or display advertisements shall be inserted upfront within pages 1-10 or in the first half of the newspaper if the newspaper is greater than 20 pages. Exceptions include last minute advertisements in which case, placement can be based on availability of space and with the mutual agreement by City. Other exceptions include legal square inch/classified ads such as full length ordinances, full length resolutions, and certain Requests for Bids which are normally placed in the back pages/classified section of a newspaper.

✓ **FY 2022-23 SCHEDULE OF RATES AND PRICING REQUEST.** Based on a review of invoices received this past year for FY 2021-22, staff recommends streamlining the process by providing clear direction on rates and the placement of City advertisements:

1. **Modular Rates:** Display rates in both black and white and in color for ¼, ½ and full page placement of advertisements within the front pages (pages 1-10 or in the first half of the newspaper if it is greater than 20 pages).

   **Modular Rate Prices**

<table>
<thead>
<tr>
<th>Advertisement Size:</th>
<th>¼ Page</th>
<th>½ Page</th>
<th>Full Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black and White</td>
<td>$ XX</td>
<td>$ XX</td>
<td>$ XX</td>
</tr>
<tr>
<td>Color Page</td>
<td>$ XX</td>
<td>$ XX</td>
<td>$ XX</td>
</tr>
</tbody>
</table>

2. **Per Legal Square Inch/Classified Rates:** Back page/classified ads are not specifically requested to be printed using the modular rate and are only provided in black and white as they do not contain graphics.

   In past bids, the newspapers also provided Price Per Column Inch rates which are usually priced higher than the Per Legal Square Inch/Classified Rate.

¹ [https://www.smartcapitalmind.com/what-is-newspaper-advertising.htm](https://www.smartcapitalmind.com/what-is-newspaper-advertising.htm)
In FY 21-22, the City has only been charged Price Per Column Inch rates by the Beverly Press. The BH Courier and the Beverly Hills Weekly each charge the City their Per Legal Square Inch/Classified Rates.

**Per Legal Square Inch/Classified Rates**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td></td>
</tr>
<tr>
<td>For black and white <em>front page</em> advertisements</td>
<td>$XX</td>
</tr>
<tr>
<td>placed within pages 1-10 or in the first half of the newspaper if it is greater than 20 pages</td>
<td></td>
</tr>
<tr>
<td>b.</td>
<td></td>
</tr>
<tr>
<td>For black and white <em>back page</em> advertisements such as RFPs, RFQs, Bids, and long ordinances</td>
<td>$XX</td>
</tr>
</tbody>
</table>

In addition, staff recommends the Bid require the following with regard to pricing and billing:

**For all Back Page/Classified ads the newspaper shall charge the City the lesser of two rate calculations:**

<p>| | |</p>
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<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td></td>
</tr>
<tr>
<td>The Per Legal Square Inch/Classified Rate for the entire ad; or</td>
<td></td>
</tr>
<tr>
<td>b.</td>
<td></td>
</tr>
<tr>
<td>A combination of the full page modular rate plus the Per Legal Square Inch/Classified rate for any remainder of the ad that does not fill a full page.</td>
<td></td>
</tr>
</tbody>
</table>

Staff also recommends the Bid require proposers to submit the following information in order for the City to evaluate each newspaper’s pricing in further detail:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td></td>
</tr>
<tr>
<td>Current Modular Rates for ¼ page, ½ page and full page advertisements charged to other advertisers;</td>
<td></td>
</tr>
<tr>
<td>b.</td>
<td></td>
</tr>
<tr>
<td>Current Classified Rates charged to other advertisers; and</td>
<td></td>
</tr>
<tr>
<td>c.</td>
<td></td>
</tr>
<tr>
<td>Narrative of the newspaper’s mechanical data including the newspaper size, per column width, and number of columns used in a full page advertisement.</td>
<td></td>
</tr>
</tbody>
</table>

**INDEPENDENT VERIFIED CIRCULATION AUDIT.** As has been followed in previous bid solicitations, all proposers will be required to furnish an independent verified circulation audit completed within the last twelve (12) months. Exempt from this requirement are any bidders who submitted a verified circulation audit to the City of Beverly Hills in connection with a previous bid if the previously submitted audit was completed within the twenty-four (24) months prior to the Date of Request of the Request for Bid (TBD).

All three newspapers have previously submitted an independent verified circulation audit with the FY 2021-22 Bid. With an anticipated FY 2022-23 Request for Bid dated after this meeting, those previously submitted audits must be **no older than August 24, 2020.**

<table>
<thead>
<tr>
<th>Audit Period submitted for FY 2021/22:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Courier</strong></td>
</tr>
<tr>
<td>October 1, 2019-March 31, 2021</td>
</tr>
<tr>
<td><strong>Weekly</strong></td>
</tr>
<tr>
<td>July 1, 2020 – December 31, 2020</td>
</tr>
<tr>
<td><strong>Beverly Press</strong></td>
</tr>
<tr>
<td>12 months ended March 31, 2019 (<strong>Same as FY 2020/21</strong>)</td>
</tr>
</tbody>
</table>
At the May 4, 2021 City Council Study Session meeting, the City Council requested the Beverly Press (Press) obtain an independent audit for the FY 2022/23 Bid. The Press agreed, and at the time shared that the audit would be conducted from September through December 2021 with a final report in the first quarter of 2022 (Attachment 3). Subsequently, staff was informed that the Press is in the middle of a three-month audit which is scheduled to conclude at the end of September 2022.

The results of each newspaper's circulation audit will factor heavily in the evaluation criteria of the forthcoming bid. Based on previously submitted audit reports, we ask that these standard items be listed in the audit:

**The independent verified circulation audit must include standard information:**
- An audit report period of one full year (12 months)
- Distribution by Zip Code
- Distribution by County
- Average Net Press Run
- Controlled Distribution Data and Returns
- Paid Distribution Data and Returns
- Carrier Delivery Rate and average number of subscriptions
- Mail Rate and average number of subscriptions

**ONLINE METRICS.** During the prior Study Session meetings regarding the FY 2021-22 Bids, the City Council expressed interest in receiving online metrics from each of the newspapers. However, providing data that can be fairly compared is challenging.

The Circulation Verification Council (CVC) offers some online metrics for its audit reports. While the City may request each newspaper to have the CVC add the online metrics data when their audit is renewed, because each newspaper's audit period is on a different renewal schedule (see above Circulation Audit table), not all of the newspapers will be able to provide the data for this FY 2022-23 Bid. In addition, by the time all of the newspapers have the data, information may have changed significantly for the older audits.

However, *if available in the independent verified circulation audit*, staff recommends the City Council Ad Hoc Liaisons request the audit reports include the following online metrics. Staff also recommends the City Council Ad Hoc Liaisons require all CVC audits furnished for future Legal and Advertising Request for Bid to include this information beginning with the FY 23-2024 Legal and Advertising RFB:

- Audited Average Website Reporting
- Audited Online/Digital Edition Reporting
- Text Media
- Social Media
- Email Media

**REMAINING STATUS QUO:**
Unless otherwise directed by the City Council Ad Hoc Liaisons, these requirements will remain the same. Each newspaper must still provide:

- A valid certificate of adjudication;
- A map of the newspaper delivery area; and
- Sample advertisements: notices of public hearing, notice to bidders, and an ordinance or resolution.
FISCAL IMPACT

There are no fiscal impacts associated with this discussion.

RECOMMENDATION

It is recommended that the City Council Ad Hoc Liaisons provide direction and clarification on the following items listed within the report for the forthcoming FY 2022-23 Bid:

Proposed Changes
- Ad Placement
- FY 2022-23 Schedule of Rates and Pricing Request
- Independent Verified Circulation Audit
- Online Metrics (optional for present Bid, mandatory for future Bids)

Continuation of Requiring the Following Items:
- Valid Certificate of Adjudication
- Map of Newspaper Delivery Area
- Sample Advertisements

When the solicitation is ready, the City Clerk’s office will release the Bid to interested newspapers that are adjudicated within the City of Beverly Hills. The City Clerk’s office will submit a report to the City Council once proposals are returned in response to the Bid. Staff would like to bring the results to City Council at the September 12, 2022 City Council Study Session meeting and then present the agreement(s) for City Council approval at the September 20, 2022 City Council meeting.

Should the City Council Ad Hoc Liaisons approve, an estimated schedule for submission of this Request for Bid ("RFB") is as follows:

<table>
<thead>
<tr>
<th>Solicitation issued:</th>
<th>August 25, 2022</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bid due date</td>
<td>August 31, 2022</td>
</tr>
<tr>
<td>Anticipated Bid presentation date</td>
<td>September 12, 2022</td>
</tr>
<tr>
<td>Anticipated award date</td>
<td>September 20, 2022</td>
</tr>
<tr>
<td>Anticipated Retroactive start date</td>
<td>July 1, 2022</td>
</tr>
</tbody>
</table>
Evaluation Criteria and Selection Process
Evaluation Criteria and Selection Process

A. Evaluation

An Evaluation Criteria has been established by the City's Newspaper/Advertising Ad Hoc Committee. The City reserves the right to establish criteria and weight factors. Selection of qualified proposers will be based on the following criteria as set forth herein. Criteria are listed in random sequence and are not considered in any rank or order of importance. The bid will be evaluated by the Evaluation Committee on the basis of the response to all requirements of the bid. The following criteria will be used in evaluating bids:

1. Qualifications, including proof of legal adjudication and results of latest circulation audit, to determine effectiveness of each proposer with regard to reaching the City's target audience and exposure of advertisements.

2. Ability to provide services as outlined in the scope of work.

3. Demonstrated compliance with the Scope of Work, including ability to publish per legal square inch/classified and display advertisements in the size, format and location specified by the City.

4. Advertisement placement considerations, including methods to request advertisements; request deadlines; and turnaround times for advertisements.

5. Responsiveness of bid to specifications described in the bid, including whether the Publisher has agreed to the contracting requirements set forth in the bid.

6. Cost and compensation required.

7. The ability of the Publisher to demonstrate its prior, current, and continued compliance during the contract term with all applicable federal, state, and local laws, statutes, ordinances, and all lawful orders, rules, and regulations.

B. Pre-Contractual Expenses

In any event, the City shall not be liable for any pre-contractual expenses incurred by any selected Publisher. Publishers shall not include any such expenses as part of the price proposed in response to the bid. The City shall be held harmless and free from any and all liability, claims, or expenses whatsoever incurred by, or on behalf of, any person or organization responding to the bid.

Pre-contractual expenses include any expenses incurred by selected Publishers including the following:

1. Preparing bid in response to the bid.

2. Submitting bid to the City.

3. Travel or accommodation to the City to participate in the interview process.

4. Negotiations with the City on any matter related to bid.

5. Other expenses incurred by a Publisher prior to the date of award of any agreement.
EVALUATION CRITERIA AND SELECTION PROCESS

C. Selection Panel
The Selection Panel ("Panel"), composed of City staff will evaluate the bids considering the scope of work and various evaluation criteria, as described above with the intent of selecting the most qualified Publishers.

Publishers may be telephoned and asked for further information, if necessary. The City reserves the right to select a Publisher based solely on written bids and not convene oral interviews.

Following the evaluation of the bids and upon determination of the final ranking of all proposers, the Panel will issue a recommendation to the City Council. The City Council shall have final authority for the selection, including number of awarded contracts and awarded contract amounts and costs.
Any contract offered by the City will be awarded in the best interest of the City and in the City's sole discretion. The City may select more than one Publisher for newspaper advertising services.

D. Negotiations
Negotiations will cover the scope of work, the contract schedule duration, contract terms and conditions, technical specifications, and price. If the negotiating team is unable to reach an acceptable agreement with the selected Publisher, the team will recommend to the City Manager that the negotiations be terminated and an alternative approach be attempted, including the possibility of entering into negotiations with the second ranking Publisher.

No contract or agreement, express or implied, shall exist or be binding on the City before the execution of a written contract by both parties. If agreement on the terms of such a contract cannot be reached after a period deemed reasonable by the City in its sole discretion or if, after the City and Publisher agree to terms and execute a contract, that contract is terminated for any reason, the City may enter into negotiations and sign a contract with any other Publisher who submitted timely, responsive, and responsible bids to this RFB, or issue a new RFB and begin the bid process anew.

At the time of negotiations, the selected Publishers and all personnel assigned to this contract shall submit verification, if required by applicable federal, state, or local laws, that it is a registered lobbyist and meets the applicable industry standards.