

TEXT OF PROPOSED ORDINANCE PROPOSITION J

Be it ordained by the people of the City and County of San Francisco that Article IX of Chapter 2 of the San Francisco Administrative Code be deleted and amended to read as follows:

ARTICLE IX OFFICIAL and OUTREACH NEWSPAPER(S)

SEC. 2.80. FINDINGS The People of San Francisco find and declare that the City and County has a responsibility to inform its citizenry about the goings on of local government. To best accomplish this, the City and County should utilize locally published newspapers to reach the general public, including the many separate and diverse communities which make up the population of the City and County.

Under this Article, the City and County wishes to exercise its power in deeming official newspaper(s) to maximize the citizenry's access to public notices which are required to be published by law. In addition, the City and County wishes to implement an aggressive outreach plan to meet the public information needs of those communities and neighborhoods which may not be adequately served by the official newspaper(s).

SEC. 2.801. DEFINITIONS. As used in this Article, the following words and phrases shall have the meanings indicated herein:

A. "Official Newspaper:" Pursuant to the provisions of Section 10.100(f) of the Charter, the official newspaper or newspapers of the City and County is hereby defined as a newspaper of general circulation published for the dissemination of local or telegraphic news and intelligence of general character, which has a bona fide circulation of at least 50,000 copies per calendar week and which is printed in the City and County on three or more days in a calendar week.

B. "Outreach Communities" shall reflect the diversity in race and sexual orientation of the population of the City and County. They shall include: (1) the Lesbian/Gay/Bisexual community, (2) the African American community, (3) the Hispanic community, and (4) the Chinese community. The Board of Supervisors may determine different outreach communities from time to time.

C. "Outreach Periodical" shall mean a periodical which circulates primarily in one of the outreach communities and which is printed in the City and County on one or more days in a calendar week.

D. "Outreach Advertisement" shall be an advertisement placed in the selected outreach periodicals one time per week. This advertisement shall be no larger than four inches wide by six inches high and shall be prepared by the Clerk of the Board of Supervisors at the direction of the Board. The Clerk shall select and include in each week's advertisement those major items pertaining to governmental operations for that week.

E. "Joint Venture" shall mean any association or business relationship of two or more businesses which act as a single entity or contractor in submitting a bid proposal or in providing such services to the City and County.

SEC. 2.81. OFFICIAL NEWSPAPER(S) — DESIGNATION. In each year, the Board of Supervisors shall designate the official newspaper or newspapers as herein below set forth.

On or before the first day of December in 1994 and each ensuing June thereafter, the Purchaser shall prepare a notice inviting sealed proposals for: (1) The publication of all official advertising of the City and County which is required by law to be published on two or more consecutive days, and all official advertising of the City and County which is required to be published in accordance with the provisions of Sections 2.200 or 2.201 of the Charter for special meetings of the Board of Supervisors and its standing or special committees; and (2) the publication of all official advertising of the City and County, which is required by law to be published one time, other than the provisions of Sections 2.200 or 2.201 of the Charter as they relate to special meetings of the Board of Supervisors and its standing or special committees; and all official advertising of the City and County, which is required by law to be published more than one time, but not more than three times a week for a specified number of weeks. Said notices shall be published once in the appropriate official newspaper of the City and County. At least five days shall intervene between the date of publication and the time for filing such sealed proposals. Each proposal shall be required to include among other things:

A. Bidder's most recent circulation audit report covering a period of established and verified circulation for at least six months.

B. A Distribution Declaration from bidder declaring that any individual or business entity within the City and County who requests delivery of that newspaper shall receive delivery of the same general newspaper, and in the same timely fashion as every other person.

C. Each bidder who submits a bid as a joint venture or which is to be performed by a joint venture, must include a copy of a fully executed joint venture agreement. Each joint venture partner individually must meet all of the requirements set forth in the Charter and Administrative Code.

D. Each bidder must establish that it has met all minimum requirements listed in paragraphs 2.81(a), 2.81(b), and 2.81(c), above, for at least four full weeks prior to bid opening.

The Purchaser shall evaluate each proposal taking into consideration the cost of advertising in each newspaper, the circulation of each newspaper, and the cost of each newspaper to the general public according to the following point system:

A. Advertising Price. The newspaper which bids the lowest price for advertising shall receive fifteen points. Every other newspaper shall receive a proportionate number of points ("Proportional Advertising Price Points"), according to the following formula:

$$\text{Proportional Advertising Price Points} = 15 \times \frac{\text{Lowest Price Bid}}{\text{Higher Price Bid}}$$

As used in this formula, "Lowest Price Bid" shall be the dollar amount bid by the newspaper

submitting the lowest price bid for advertising. "Higher Price Bid" shall mean the dollar amount bid for advertising by the particular other newspaper as to which the point calculation is made.

B. Circulation. The newspaper with the largest circulation shall receive 10 points. Every other newspaper shall receive a proportionate number of points ("Proportional Circulation Points"), according to the following formula:

$$\text{Proportional Circulation Points} = 10 \times \frac{\text{Lower Circulation}}{\text{Highest Circulation}}$$

As used in this formula, "Lower Circulation" shall mean the circulation of the particular other newspaper as to which the point calculation is made (calculated according to subsection B (1)). "Highest Circulation" shall mean the circulation of the bidding newspaper with the highest circulation (calculated according to subsection B (1)).

B(1). Circulation Calculation: For Item 1 bidders, circulation shall be calculated by adding the total number of newspaper copies delivered to homes in the City and County for all days of a one week period. For Item 2 bidders, circulation shall be calculated by adding the total number of newspaper copies delivered to homes in the City and County for any three days of a one week period.

C. Newspaper Cost. Any newspaper with a majority of circulation that is free of charge to the general public shall receive an additional five points.

D. Local/Minority/Woman Ownership. Any bidder whose newspaper is locally owned and operated shall receive an additional two points. Any bidder whose newspaper has more than 50 percent minority ownership shall receive an additional two points. Any bidder whose newspaper is woman-owned shall receive an additional two points.

The purchaser shall, not less than 10 days after the date of publication of said notices, report to the Board of Supervisors the point totals of any and all sealed proposals received by him or her, and shall make his or her recommendation(s) to the Board of Supervisors. Thereupon, the Board of Supervisors shall, by resolution, choose and designate a newspaper or newspapers as the official newspaper or newspapers of the City and County for the ensuing fiscal year, and the Purchaser shall let a contract or contracts to said newspaper(s) for said fiscal year.

SEC. 2.811 USE OF OFFICIAL NEWSPAPERS If the circulation of the official newspaper(s) varies by day or the cost of advertising varies by day, the Purchaser shall direct all city departments to advertise in those editions of the newspaper(s) with the greatest circulation and lowest advertising cost.

SEC. 2.812 OUTREACH FUND

A. Establishment of Fund. Each fiscal year the Purchaser shall establish an outreach fund by withholding ten percent of all revenue paid to each official newspaper. The Purchaser shall accrue these funds on a monthly basis.

B. Purpose of Fund. This fund is created for the purpose of placing weekly outreach

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advertisements in selected outreach periodicals. Outreach advertisements shall be paid for solely by using monies from the outreach fund.

C. Balance of Monies in Fund. Any amounts unspent or uncommitted at the end of any fiscal year shall be carried forward to the next fiscal year and shall be appropriated then or thereafter for the purposes specified.

SEC. 2.813 OUTREACH PERIODICALS — DESIGNATION In each year, the Board of Supervisors shall designate the outreach periodical for each outreach community as herein below set forth.

On or before the first day of December in 1994 and each ensuing June thereafter, the Purchaser shall prepare a notice inviting sealed proposals for the purpose of selecting one outreach periodical from each outreach community. The Purchaser shall evaluate each proposal according to the following point system:

A. Advertising Price. For each outreach community, the periodical which bids the lowest price shall receive fifteen points. Every other periodical

for that outreach community shall receive a proportional amount of points according to the relation of its price to the price of the lowest bidder.

B. Circulation. For each outreach community, the periodical with the largest circulation shall receive ten points. Every other periodical for that outreach community shall receive a proportionate amount of points according to the relation of its circulation to the largest circulation. Circulation shall be calculated by taking the total number of copies distributed in the City and County on any one day during a one week period.

C. Periodical Cost. Any periodical with a majority of circulation that is free of charge to the general public shall receive an additional five points.

D. Local/Minority Ownership. Any bidder whose periodical is locally owned and operated shall receive an additional two points. Any bidder whose periodical has more than 50 percent minority ownership shall receive an additional two points. Any bidder whose periodical is women-owned shall receive an additional two points.

E. Foreign Language publications. Periodicals with a majority of its editorial content published in the native language of that outreach community shall receive an additional five points.

The Purchaser shall, not less than 10 days after the date of publication of said notices, report to the Board of Supervisors the point totals of any and all sealed proposals received by him or her, and shall make his or her recommendations to the Board of Supervisors. Thereupon, the Board of Supervisors shall, by resolution, choose and designate periodicals as the outreach periodicals of the City and County for the ensuing fiscal year, and the Purchaser shall let contracts to said periodicals for said fiscal year.

SEC. 2.814 NEIGHBORHOOD OUTREACH If the Board of Supervisors finds that certain neighborhoods are not being adequately served by the official newspaper(s) and the outreach periodicals, the Board may authorize additional advertising in monthly neighborhood publications which target certain neighborhoods in San Francisco. □