



# Evaluation of Newspaper Services

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COUNCIL POLICY AND VALUATION COMMITTEE

APRIL 17, 2024

# Background

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- In previous years, the City has exceeded the \$50,000 threshold that necessitates the competitive bidding process in accordance with both the Local Government Code and City Council Policy 36.
- The contract with Fort Worth Star Telegram was renegotiated in 2021, resulting in an overall decrease in expenditures. However, staff remains concerned that the \$50,000 threshold may be met or exceeded in the near future.
- This creates an opportunity to competitively bid the services for advertisement of official city notices, ensuring compliance with the Local Government Code and the potential for cost savings.

# Purpose

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- Compliance with the Competitive Bidding Requirements
- Identification of Cost Saving Measures

# Overview

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- Notable Challenges
- Local Government Code Requirements
- Competitive Bidding Requirements
- Historical Costs for Official City Notices
- Interlocal Agreements
- Cost Comparisons
- Other Methods of Outreach
- Next Steps

# Notable Challenges

- Cost
- Bidding/Procurement



# Local Government Code Requirements

Texas Local Government Code requires that notices be published in a newspaper. These notices include, but are not limited to:

- Advertisements for competitively sealed bids
- Election notices
- Items related to development
- Items related to water utilities
- Items related to zoning regulations
- Meeting notices
- Public hearings related to budget



In 2023, HB 622 would have authorized alternative media to satisfy the public notice requirements, including social media, free newspapers, school newspapers, a homeowners' association newsletter or magazine, utility bills, direct mailings and any other form of media authorized by the comptroller. The bill made it through the House Committee but failed to move on to vote by the house.

# Local Government Code Requirements cont.

Texas Local Government Code also has stipulations related to the type of newspaper in which these notices may be published:

## **§2051.044 Type of Newspaper Required**

- Devote not less than 25% of total column lineage to general interest items;
- Be published at least once each week;
- Be entered as second-class postal matter in the county where published;
- Have been published regularly and continuously for at least 12 months before the governmental entity or representative published notice; and
- A weekly newspaper that has been published regularly and continuously

**The City currently uses the Fort Worth Star-Telegram to advertise legal notices.**

# Competitive Bidding

Advertisement of official city notices is not exempt from the competitive bidding requirement as outlined by the Local Government Code.

## § 252.021. Competitive Requirements for Purchases

Before a city enters into a contract for the purchase of most goods and services that require an expenditure of more than \$50,000 from one or more municipal funds, the city must:

- comply with statutory procedures for competitive sealed bidding or competitive sealed proposals, including high technology items or insurance;
- use the reverse auction procedure for purchasing;
- comply with certain statutorily prescribed methods of construction procurement





# Historical Cost for Official City Notices

Fiscal Year	Transaction Count	Amount	Avg. Cost Per Transaction
2019-2020	82	\$99,633.95	\$1,215
2020-2021	62	\$82,944.11	\$1,338
2021-2022	100	\$73,465.04	\$735
2022-2023	82	\$43,190.10	\$527
2023-2024 (spend to date)	33	\$12,414.83	\$376

## Factors to Consider:

- A contract with The Fort Worth Star Telegram (McClatchy Shared Services) was negotiated in 2021 and the rate being charged was reduced from market rate to \$6.06 per line + \$10.00 online publication fee.
- The May 2020 election, originally scheduled for fiscal year 2020-2021, was delayed to November 2021, aligning with the 2021-2022 fiscal year. This shift necessitated the re-issuance of legal notices and may have contributed to a higher-than-average number of transactions.

\*Transaction count refers to the number of individual accounts that incur charges for each invoice

\*This data was pulled from the Munis system and includes issued checks and P-Card transactions beginning in 2022

# Historical Cost for Official City Notices

by Department/Division

Department/Division	Fiscal Year				
	FY 19-20	FY 20-21	FY 21-22	FY 22-23	FY 23-24 (to date)
City Secretary's Office	\$78,330.11	\$67,920.99	\$66,859.64	\$23,994.71	\$4,672.88
Engineering Capital	\$15,241.80	\$10,735.88	\$1,389.56	\$4,418.96	\$3,839.32
Purchasing				\$9,472.96	
Environmental Services	\$5,773.74				
Parks		\$2,302.04	\$1,663.60	\$1,666.20	\$1,690.44
Library			\$1,604.80	\$1,050.40	
Community Development				\$2,075.26	\$1,827.10
Police	\$288.30	\$542.16	\$1,367.80	\$203.92	
Cemetery Services		\$1,443.04			
Economic Development			\$579.64		
Engineering Development				\$146.19	\$385.09
Water/Wastewater Services				\$161.50	
<b>Total</b>	<b>\$99,633.95</b>	<b>\$82,944.11</b>	<b>\$73,465.04</b>	<b>\$43,190.10</b>	<b>\$12,414.83</b>

# Interlocal Agreements

The Purchasing Division reached out to all cities whom we currently have interlocal agreements in place with. Of those who responded, only 2 had active contracts in place with McClatchy Advertising (Fort Worth Star Telegram) with terms that allowed cooperative agreements:

City	Contract?	Notes
Fort Worth	Y	Contract terms allow for cooperative contracts
Grand Prairie	Y	Contract terms allow for cooperative contracts
Hurst	N	No current agreement in place
McKinney	N	Currently using Star Local Media
North Richland Hills	N	No current agreement in place
Southlake	Y	Terms of current contract do not allow for cooperative purchases

# Cost Comparisons

## Cities Using The Fort Worth Star Telegram

**CITY OF BURLESON**  
 ITB 2024-005 West Ellison Street & Parking Improvements  
 Notice is hereby given that the City of Burleson is seeking proposals for West Ellison Street & Parking Improvements. The deadline for submission is December 20th, 2023 at 2:00PM CST. The bid opening will be virtual at 3:00PM. A link for the bid opening will be provided via Bonfire.  
 A mandatory pre-bid meeting will be held November 28th at 10:00 am.  
 The project includes: 10,105 SF of building demolition & asbestos abatement, 5,000 SY of off-street parking, on-street parking, 169 LF of 8" Water PVC, 119 LF of 6" water PVC, and streetscape elements. The Project has an expected duration of 270 calendar days.  
 Specifications and Contract Documents for this project shall be available for viewing and download in electronic (PDF) format at the City's e-procurement system, Bonfire <https://burlesontx.bonfirehub.com/login> (registration is required) at no cost beginning November 9th, 2023. Any interpretations, corrections, clarifications, or changes to this Invitation to Bid will be issued via addendum. Addenda will be posted in Bonfire. It is the responsibility of the respondent to monitor the Bonfire website for addenda. Proposers shall acknowledge receipt of each addendum by submitting a signed copy with their submission. Oral explanations will not be binding.  
 POSTED THIS the 9th day of November 2023, in the Burleson City Hall, 141 West Renfro, Burleson, Texas.  
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 Publication Dates

Current Contract	City of Fort Worth	City of Grand Prairie
\$6.06 per line	\$.44 per line	\$1.90 per line
\$10.00	\$15.00	\$5.00
Final Cost (2 runs): \$555.40	Final Cost (2 runs): \$52.84	Final Cost (2 runs): \$168.40

- February 5, 2024 – staff reached out to the Fort Worth Star Telegram to formally inquire about the potential of participating in a cooperative contract with the City of Fort Worth.
  - McClatchy Advertising was unwilling to honor Fort Worth’s price citing that they published significantly more ads compared to the City of Burleson.
- Staff also inquired about the possibility of establishing an agreement using the City of Grand Prairie cooperative contract.
  - McClatchy Advertising would not honor that agreement and that lowering our rate would not be possible.

# Cost Comparisons

## Fort Worth Star Telegram & Cleburne Times Review

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Publication Dates

### Fort Worth Star Telegram

\$6.06 per line + \$10.00 online publication fee

**Final Cost:**

**\$555.40**

### Invitation to Bid

#### CITY OF BURLESON

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### Cleburne Times Review

\$20 per column inch + \$17.00 online publication fee

**Final Cost:**

**\$387.60**

# Other Methods of Outreach

In addition to publishing notices in the newspaper, the City also notifies citizens/customers via:

- The City website
- Social media
- Bonfire (bids and proposals)
- Letters/Postcards
- Everbridge/Constant Contact

# Next Steps

## Committee Discussion and Options

- Competitively bid advertisement of official City notices
  - Consider having a primary and secondary newspaper for legal notices and go under contract with both the Fort Worth Star Telegram & Cleburne Times Review
- Track spending with McClatchy and bring forward to City Council should we be certain the \$50,000 threshold will be reached.
- Go under annual contract with the Cleburne Times Review in an amount not to exceed \$50,000 and utilize them a long with the Fort Worth Star-Telegram.

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# Questions or Comments