



Office of the City Manager

CONSENT CALENDAR
June 29, 2021

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Mark Numainville, City Clerk

Subject: Contract No. 099148-1 Amendment: Code Publishing Company for Berkeley
Municipal Code Publishing Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 099148-1 (FUND\$ Contract No. 9541A) with Code Publishing Company for online and printed code publishing services for the Berkeley Municipal Code, increasing the contract by \$40,000 for a total not to exceed amount of \$139,000, and extending the contract to December 21, 2024.

FISCAL IMPACTS OF RECOMMENDATION

This amendment will add \$40,000 to the City's existing contract for code publishing services for a total not to exceed amount of \$139,000. The term of the contract will be extended by two years, with \$10,000 allocated per year for a total of \$20,000. This request also includes funding in the amount of \$20,000 to account for major updates to the Berkeley Zoning Ordinance, as well as upgrades to the online code platform to increase functionality. Funds for this contract amendment will be available from the General Fund as follows: \$15,000 will be included in the FY 2022 budget; \$5,000 will be included in the First Amendment to the FY 2022 Annual Appropriations Ordinance; \$10,000 will be included in the FY 2023 budget; and \$10,000 will be included in the FY 2024 budget. This contract amendment has been entered into the City's contract management system.

CURRENT SITUATION AND ITS EFFECTS

Code Publishing Company provides the City with code publishing services for the City Charter and Berkeley Municipal Code (Code). These services include codification of ordinances into the existing Code, electronic publishing of the Charter and Code on the City's website, internet services to support the electronic Code, and supplement services for updating the hardcopy Code book. The Code and Charter are presently approximately 2,300 pages. The existing contract expires on December 21, 2022 and this request will allow for continuation of these services from Code Publishing Company through December 21, 2024.

In addition to the codification and publishing services provided by Code Publishing, this amendment includes funding for major updates to the Code as well as upgrades to the functionality of the online Code. In response to a referral from the City Council, Planning Department staff are preparing a major update to the City's Zoning Ordinance (BMC Title 23). The current Zoning Ordinance represents twenty-five percent of the City's Code and is anticipated to be replaced in its entirety by the new Zoning Ordinance. If adopted by Council, the new Zoning Ordinance will require codification and publishing, and given the magnitude of the project, this cost cannot be absorbed by the existing contract.

This contract amendment will also allow for a major upgrade to the City's online web platform (<https://www.codepublishing.com/CA/Berkeley/>). The current platform has been in use for over 10 years, and significant advances in technology have occurred during this time. The new web platform will provide for responsive design to smartly fit the user's screen size and meets industry standards for compatibility with different devices. The new platform also includes enhanced settings to increase accessibility for individuals with disabilities, and allows the user to customize the appearance of the site, including fonts, colors, and how much text is displayed. The navigation and searchability of the Code will also be upgraded to allow for more robust searching, saving, sharing, bookmarking, and printing, resulting in enhanced transparency and a more user-friendly experience.

BACKGROUND

The City Clerk Department is responsible for the processing of ordinances adopted by the City Council, and ensuring the maintenance and updating of the Code and Charter. In 2008, staff reviewed proposals for code publishing services, including the full conversion of the print and electronic Code. Code Publishing Company was selected and worked with staff to both convert the electronic code to an HTML format online that allowed users to search, read, and print information more easily, as well as manage the conversion and reformatting of the hardcopy Code book. The project also entailed on-going incorporation of adopted ordinances into the Code, including maps, diagrams, charts, and tables, as well as maintenance of a general alphabetical subject index.

In 2013, the City released Request For Proposal Specification No. 14-10810 for code publishing services. A panel of City staff performed a review of the submitted proposals and selected Code Publishing Company based on their ability to best meet the selection criteria, including technical ability to perform the service, references and customer service, and turnaround time of service provided. The Code Publishing Company proposal addressed all of the criteria and the panel found them to be qualified and the best selection, resulting in the execution of Contract No. 9541.

On April 24, 2018, the City Council adopted Resolution No. 68,384-N.S. which increased the amount of the contract for a total not to exceed amount of \$99,000 and extended the term of the contract through December 21, 2022. The amendment to the

contract allowed for continuity of codification and publishing services as well as continued efficiencies from utilizing a vendor that specializes in the updating and maintenance of municipal codes.

ENVIRONMENTAL SUSTAINABILITY

Code Publishing Company maintains the electronic version of the Code on the City's website. The electronic Code is updated as ordinances become effective, features robust search capabilities, and provides users with the option of viewing and printing the Code by title, chapter or section. The electronic version of the Code has reduced printing requirements, as users are able to access the Code from electronic devices and selectively print on an as-needed basis.

RATIONALE FOR RECOMMENDATION

Code Publishing Company has provided the City with a high level of customer service and competitive pricing. Code Publishing Company provides highly detailed editing and proofreading services, management of complex Code organization, and offers modern online features including responsive design for mobile viewing, a customizable interface for better ADA compliance, and advanced searching and navigation tools for increased efficiency and transparency.

ALTERNATIVE ACTIONS CONSIDERED

The City Council could consider not approving this contract amendment, however the City does not currently have in-house resources to update and maintain the Code in the same manner as a professional codifier. Maintaining the hardcopy and electronic Code requires a high level of technical and editorial expertise. Staff recommends a contract for this specialized service, as it will allow for Code maintenance and updates in a timely and cost-effective manner.

CONTACT PERSON

Mark Numainville, City Clerk, (510) 981-6900

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

CONTRACT NO. 099148-1 AMENDMENT: CODE PUBLISHING COMPANY FOR
BERKELEY MUNICIPAL CODE PUBLISHING SERVICES

WHEREAS, the City Clerk Department is responsible for the processing of ordinances adopted by the City Council, and ensuring the maintenance and updating of the Berkeley Municipal Code and City Charter; and

WHEREAS, in 2008, staff reviewed proposals for code publishing services, including the full conversion of the print and electronic Code, and executed Contract No. 7820 with Code Publishing Company; and

WHEREAS, in 2013, the City released Request For Proposal Specification No. 14-10810 for code publishing services and a panel of City staff selected Code Publishing Company based on their ability to best meet the selection criteria, resulting in the execution of Contract No. 9541; and

WHEREAS, on April 24, 2018, the City Council adopted Resolution No. 68,384-N.S., which increased the total not to exceed amount of the contract to \$99,000 and extended the term through December 21, 2022; and

WHEREAS, Code Publishing Company continues to provide the City with a high level of customer service and competitive pricing; and

WHEREAS, funds in the amount of \$40,000 are allocated in the General Fund budget, and this contract amendment has been entered into the City's contract management system.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to Contract No. 099148-1 with Code Publishing Company for Berkeley Municipal Code publishing services, increasing the contract by \$40,000 for a total not to exceed amount of \$139,000, and extending the contract to December 21, 2024.