



Agenda Report

TO: CITY COUNCIL

OCTOBER 20, 2008

FROM: CITY CLERK

SUBJECT: AUTHORIZATION TO ENTER INTO CONTRACT WITH MARTIN & CHAPMAN COMPANY FOR PROFESSIONAL ELECTION SERVICES AND SUPPLIES FOR AN AMOUNT NOT TO EXCEED \$395,000

RECOMMENDATION:

It is recommended that the City Council:

- (1) Authorize the City Clerk to enter into a contract with Martin & Chapman Company, without competitive bidding pursuant to City Charter Section 1002(F) (professional or unique services) for professional election services and supplies for the March 10, 2009 consolidated City of Pasadena and Pasadena Unified School District primary nominating election, and the April 21, 2009, general municipal election for an amount not to exceed \$395,000.
- (2) Grant the proposed contract an exemption from the competitive selection process of the Competitive Bidding and Purchasing Ordinance pursuant to Pasadena Municipal Code Section 4.08.049(B), contracts for which the City's best interests are served.

BACKGROUND:

The proposed contract with Martin & Chapman Company is for specialized election-related services, which includes typesetting and printing of official ballots and sample ballot pamphlets; voting materials and supplies, including all polling place supplies and notices, translated into Spanish, Chinese, and Korean for full compliance with the Voting Rights Act and requirements of the Department of Justice; vote by mail supplies; delivery and pickup of precinct supplies; state-approved ballot tally software; etc. There are only two companies in the California that are certified by the Secretary of State to print ballots and that provide full election services. One company, Sequoia Pacific, is located in Exeter, California (approximately 60 miles south of Fresno) and the other company, Martin & Chapman, is located in Anaheim, California.

Martin & Chapman has been the City's election supplier since the 1950's (with the exception of 1985, 1987 and 1989 when Sequoia Pacific's services were utilized). Having been the City's primary election supplier for over 50 years, Martin & Chapman is readily familiar with the City of Pasadena's election process, ballot grouping process for consolidated elections, the City's Charter provisions pertaining to the conduct of local elections, and the logistics and process for tabulating ballots on election night. An added advantage in utilizing Martin & Chapman's election services is that the company's printing plant is within the City's regional area, and has the ability to print and deliver rush orders, either the same day or following morning, for official ballots and vote by mail supplies.

In complying with the Voting Rights Act ("VRA"), the City utilizes Census data and language assistance information received by the Los Angeles County Registrar Recorder in identifying at least 3% of a single language minority within a voting precinct as being limited-English proficient. In the case of Pasadena, the languages identified as having met the 3% criteria are Spanish, Chinese, and Korean. The addition of Korean, which was identified in one voting precinct of the City as a required language, is based on recent information the City has received from the County. Due to Pasadena's high Latino population, it has been the City's policy to print and mail a bilingual English/Spanish sample ballot pamphlet to all voters. Incorporated in this requested contract amount, Martin & Chapman will provide the printing and mailing of the bilingual English/Spanish sample ballot pamphlets to all voters, and bilingual English/Chinese and English/Korean sample ballot pamphlets to those voters requesting translations within the precincts identified by the County as having met the 3% criteria requiring language assistance.

Martin & Chapman also provides assistance in complying with policies and requirements dictated by the Department of Justice (DOJ). For precincts identified by the County as being limited-English proficient, Martin & Chapman prepares and translates all election related materials utilized at polling locations and viewed by voters, and works to ensure that voters within the required languages are able to comfortably navigate through the voting process at City polling locations. Ballots, ballot materials, instructions, signage, etc., prepared by Martin & Chapman are all provided uniformly. It should be noted that all precincts automatically receive English and Spanish election materials. Those precincts identified as being limited-English proficient and having met the 3% criteria will receive election materials in the languages required by the VRA.

FISCAL IMPACT:

Funding for this contract is available in the approved FY 2009 Elections Budget, Account 8114-101-263000. The Pasadena Unified School District (PUSD) consolidates the Board of Education election with our municipal elections, and PUSD reimburses the City its pro-rata share, based on a formula determined by the County, of the total primary election costs. If there is a run-off for City Council seats and Board of Education seats, PUSD will again reimburse the City its pro-rata share. If there is a run-off for the Board of Education only, or the City Council only, the entity having candidates on the general election ballot will pay the full run-off election costs.

The proposed contract complies with the Living Wage Ordinance.

The total estimated cost of this contract excludes the printing of candidate statements in English. Costs for printing the statements in English will be billed to and paid by the candidates. The City and School District absorb the portion of costs for printing candidate statements in required languages as part of our costs of complying with the Voting Rights Act.

Respectfully submitted,



Mark Jomsky
City Clerk

Reviewed by: *10/15/08*


Nicholas G. Rodriguez
Assistant City Attorney

**Disclosure Pursuant to the
City of Pasadena Taxpayer Protection Amendment
Pasadena City Charter, Article XVII**

Contractor/Organization hereby discloses its trustees, directors, partners, officers, and those with more than 10% equity, participation, or revenue interest in Contractor/Organization, as follows:

(If printing, please print legibly. Use additional sheets as necessary.)

1. Contractor/Organization Name:

MARTIN & CHAPMAN CO.

2. Type of Entity:

non-government nonprofit 501(c)(3), (4), or (6)

3. Name(s) of trustees, directors, partners, officers of Contractor/Organization:

SCOTT MARTIN - PRESIDENT

MATRICK MARTIN - VICE PRESIDENT

JUDY MARTIN - SECRETARY

4. Names of those with more than a 10% equity, participation or revenue interest in Contractor/Organization:

ALL THE ABOVE

Prepared by: SCOTT MARTIN

Title: PRESIDENT

Phone: 714 937-9866

Date: 9/23/08

Living Wage Compliance Certification

This contract is subject to the City of Pasadena's Living Wage Ordinance, Pasadena Municipal Code Chapter 4.11. The Ordinance requires that contractors providing labor or services to the City under contracts in excess of \$25,000:

- ◆ Pay no less than nine dollars and eighty cents (\$9.80) per hour plus medical benefits of no less than one dollar and sixty-eight cents (\$1.68) per hour, or eleven dollars and forty-eight cents (\$11.48) per hour without medical benefits to all employees who spend any of their time providing labor or delivering services to the City of Pasadena. Additionally, in January 2009 and each January thereafter the Living Wage rate shall be adjusted by the change in the Consumer Price Index, for the Los Angeles-Riverside-Orange County area, all urban consumers, for the most recently available 12 month period.
- ◆ Notify employees who spend any of their time providing labor or delivering services to the City of Pasadena who make less than twelve dollars (\$12) per hour of their possible right to the federal Earned Income Tax Credit (EITC) under § 32 of the Internal Revenue Code of 1954, 26 U.S.C. § 32, and making available to such employees forms required to secure advance EITC payments.

The selected contractor will be required to evidence compliance with the Living Wage Ordinance by submitting payroll records as requested by the City. Each record shall include the full name of each employee performing labor or providing services under the contract; job classification; rate of pay and benefit rate.

I, SCOTT MARTIN, PRESIDENT 
(Name, Title and Signature)

do hereby certify and declare under penalty of perjury that if awarded the contract for which this bid/proposal is made MARTIN & CHARLES CO. will comply with the
(Name of Company)

requirements of the Pasadena Living Wage Ordinance, Pasadena Municipal Code Chapter 4.11 and the rules and regulations promulgated thereunder. I understand that failure to comply with the provisions of the Pasadena Living Wage Ordinance may result in termination of the contract as well as other penalties as stated in Pasadena Municipal Code Chapter 4.11.

IMPORTANT NOTICE: Contractors with collective bargaining agreements covering those employees assigned to contract are exempt from the wage requirements of the Living Wage Ordinance. If claiming an exemption on this basis please complete the following:

I, _____
(Name, Title and Signature)

do hereby certify under penalty of perjury that there exists between _____
(Name of Company)

and those employees to be assigned to the subject contract a collective bargaining agreement which sets forth salary and/or benefit rates. I hereby agree to provide a copy of said agreement to the City if so requested.

Please return this form with your bid/proposal. Questions concerning the Living Wage Ordinance should be directed to the Department of Finance – Purchasing Division 626.744.6755.