

REDLINE OF PROPOSED ORDINANCE AMENDMENTS

TO AMEND AND RENAME SECTION 13.28.020 (INFORMAL BIDDING PROCEDURES) TO SECTION 13.28.020 (INFORMAL BIDDING PROCEDURES, GENERALLY)
AND TO ADD SECTION 13.28.021 (INFORMAL BIDDING PROCEDURES, NAMING RIGHTS FOR ELIGIBLE COUNTY FACILITIES)
OF
CHAPTER 13.28 (LEASING OR LICENSING OF ANY REAL PROPERTY BELONGING TO, LEASED BY, OR LICENSED BY THE COUNTY)
OF THE
ORDINANCE CODE OF THE COUNTY OF FRESNO

Section 13.28.020 – Informal bidding procedures, generally.

A. Every lease or license, except those excluded from bidding procedures as provided in Section 13.28.030 below, and except those licenses for naming rights under Section 13.28.021, below, shall be let pursuant to the informal bidding procedures set forth in this section.

Section 13.28.021 – Informal bidding procedures, naming rights for eligible County facilities.

A. When the county administrative officer or the board of supervisors designates any county facility, located on any county real property, as an eligible facility for purposes of this Section, the provisions of this section shall apply instead of the provisions of Section 13.28.020.

B. “Naming rights” means the rights of a successful bidder under a naming rights agreement between the county and a successful bidder consummated under the procedures in this section by which agreement the successful bidder pledges to pay, and pays, the county an agreed upon aggregate amount, under a fixed time schedule

for paying installments of such amount, in exchange for the successful bidder's right to name an eligible county facility for the term of the naming rights agreement.

C. The county administrative officer, or his/her designee, shall issue a call for written bids from any interested person, based on the administrative policy (or other policy or action of the board of supervisors, and any management directive of the county administrative officer with respect to naming rights of eligible county facilities. The call for bids shall be in writing and shall describe the eligible county facility, and state the naming rights to be licensed for the eligible county facility, the minimum fee to be pledged and paid for the naming rights, and the proposed term (including early termination) and terms and conditions of the naming rights as set forth in an available form of proposed naming rights agreement. The call for bids will also include when and where written bids for the naming rights, including the naming rights agreement, will be received, and, when and where such written bids will be opened, as well as when and where oral bids for the naming rights may be received following such opening of such written bids, provided that such oral bids comply with all the requirements for written bids. The license for the naming rights for an eligible county facility shall only be set forth in the naming rights agreement with respect to such eligible county facility. The call for bids shall be posted in at least three public places for not less than fifteen days and published for not less than two weeks in a newspaper of general circulation that is published in the county of Fresno.

D. The county administrative officer, or his/her designee, shall open the written bids to license the naming rights for the eligible county facility at the place and time specified in the call for bids, and following such opening of such written bids, shall receive any oral bids provided that such oral bids comply with all the requirements for written bids. In the event the highest proposal is an oral bid, the bidder of the oral bid shall promptly at the conclusion of such oral bidding execute and deliver to the county administrative officer, or his/her designee, a written bid (or if such bidder of the oral bid timely submitted a written bid, such bidder shall re-execute its written bid reflecting the oral bid). The

apparent highest proposal shall be announced by the county administrative officer, or his/her designee, provided however, the county administrative officer, or his/her designee, shall examine the apparent highest proposal to determine if it is responsive to the call for bids. At such time and place that the county administrative officer, or his/her designee, announces the apparent highest proposal, he or she shall also announce the anticipated date when the county administrative officer, or his/her designee, will announce the highest proposal (and the county administrative officer, or his/her designee, may further announce any continued date by posting such information on the county's web page for the county administrative office). If the county administrative officer determines that the apparent highest proposal is not responsive to the call for bids, the county administrative officer, or his/her designee, will announce the new apparent highest proposal, and shall undertake the same procedures for such new apparent highest proposal under this section. The county administrative officer shall repeat these procedures until he or she either identifies a highest proposal or determines that there are no responsive proposals to the call for bids. If the county administrative officer determines that there are no responsive proposals to the call for bids, the county administrative officer, or his/her designee, will announce the same by posting such information on the county's web page for the county administrative office.

1. If the apparent highest proposal is responsive to the call for bids, such proposal will be considered as the highest proposal for the license, including the naming rights agreement, and the county administrative officer, or his/her designee, will present an execution-ready form of the naming rights agreement to the successful bidder of such submitted highest proposal. The county administrative officer, or his/her designee, may, but is not required, make any modification to the proposed naming rights agreement that the county administrative officer deems to be in the best interest of the county and consistent with the call for bids before presenting the proposed naming rights agreement for execution to the successful bidder, provided however, the license for the naming rights for an

eligible county facility shall only be set forth in the naming rights agreement with respect to such eligible county facility. The successful bidder shall execute and return to the county administrative office the proposed execution-ready naming rights agreement within five county business days of delivery thereof by the county administrative officer, or his/her designee (if the county administrative officer, or his/her designee mails the proposed execution-ready naming rights agreement to the successful bidder, three county business days shall be added thereto); if the successful bidder fails to timely execute and return to the county administrative office, the execution-ready naming rights agreement, in the form and content thereof delivered by the county administrative officer, or his/her designee, the successful bidder shall be deemed to have withdrawn its bid, and its bid shall thereupon be deemed as not responsive to the call for bids.

2. If the apparent highest proposal is not responsive to the call for bids, such proposal will not be considered (or will not be further considered if initially considered as provided above) by the county administrative officer or otherwise by the board of supervisors, and will not be deemed as rejected.

E. The county administrative officer, or his/her designee, shall present the proposed naming rights agreement with the successful bidder who submitted the highest proposal for the license, including the naming rights agreement, to the board of supervisors, at their regular meeting, for acceptance or rejection. The board of supervisors must either accept the proposed naming rights agreement, which includes the license for naming the eligible county facility, or reject all bids.