



Contract Award Notification

Title	: Group 79008 Electronic Value Transfer (EVT) (Key Merchant Services, LLC) Classification Code(s): 15, 84
Award Number	: NEG-22419
Contract Period	: August 3, 2012 to February 2, 2020
Bid Opening Date	: October 6, 2011
Date of Issue	: August 3, 2012 (Revised July 9, 2019)
Specification Reference	: As Incorporated In The RFP 22419
Contractor Information	: Appears on Page 2 of this Award

Address Inquiries To:

State Agencies & Vendors	Political Subdivisions & Others
Name : Marybeth Buhrmaster Title : Contract Management Specialist 2 Phone : 518-486-2002 E-mail : OGS.sm.PS_SW_EVT@ogs.ny.gov	Procurement Services Customer Services Phone : 518-474-6717 E-mail : customer.services@ogs.ny.gov

**Procurement Services values your input.
Complete and return "Contract Performance Report" at end of document.**

Description

This is a comprehensive contract for the acquisition of Electronic Value Transfer (EVT) services and interfaces to support these services.
 This includes: Financial Services Processing (Authorization, capture, settlement and reporting of transaction data), including transaction interfaces, of the following electronic payments methods:

1. The four nationally recognized Credit/Charge Cards (MasterCard, Visa, Discover and American Express [1] branded cards);
2. On-line and Off-line Debit Cards;
3. Voice Data Capture (IVR);
4. Address Verification;
5. International Processing; and
6. Reprogramming of Point Of Sale (POS) terminals.

[1] For American Express branded cards, the State has negotiated a standard Discount Rate and reporting/settlement processing terms and conditions directly with American Express (contract PS65669). The Contractor will, however, be responsible for Authorization, capture, and in certain cases reporting.
 Authorized Users are advised to review the associated contract for additional terms and conditions.

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<u>CONTRACT #</u>	<u>CONTRACTOR & ADDRESS</u>	<u>FED.IDENT.# / NYS VENDOR#</u>
OGS01-PS65792	Key Merchant Services, LLC 127 Public Squiare Mailcode 0H-01-270527 Cleveland, OH 44114	58-2359974 1100012481

Contact Information:

Mr. Kevin Riley (Elavon)
267-753-5016
Kevin.Riley@elavon.com

For the current list of Contractor contact information for this Award, please see the Contractor Information page located on the OGS website at:
<https://online.ogs.ny.gov/purchase/snt/awardnotes/7900822419can.htm>

Cash Discount, If Shown, Should be Given Special Attention.

INVOICES MUST BE SENT DIRECTLY TO THE ORDERING AGENCY FOR PAYMENT.
(See "Contract Payments" and "Electronic Payments" in this document.)

AGENCIES SHOULD NOTIFY NEW YORK STATE PROCUREMENT SERVICES PROMPTLY IF THE CONTRACTOR FAILS TO MEET DELIVERY OR OTHER TERMS OF THIS CONTRACT. PRODUCTS OR SERVICES WHICH DO NOT COMPLY WITH THE SPECIFICATIONS OR ARE OTHERWISE UNSATISFACTORY TO THE AGENCY SHOULD ALSO BE REPORTED TO PROCUREMENT SERVICES.

SMALL, MINORITY AND WOMEN-OWNED BUSINESSES:

The letters SB listed under the Contract Number indicate the contractor is a NYS small business. Additionally, the letters MBE and WBE indicate the contractor is a Minority-owned Business Enterprise and/or Woman-owned Business Enterprise.

RECYCLED, REMANUFACTURED AND ENERGY EFFICIENT PRODUCTS:

Procurement Services supports and encourages the purchase of recycled, remanufactured, energy efficient and "energy star" products. If one of the following codes appears as a suffix in the Award Number or is noted under the individual Contract Number(s) in this Contract Award Notification, please look at the individual awarded items for more information on products meeting the suffix description.

RS, RP, RA	Recycled
RM	Remanufactured
SW	Solid Waste Impact
EE	Energy Efficient
E*	EPA Energy Star
ES	Environmentally Sensitive

NOTE TO AUTHORIZED USERS:

When placing purchase orders under the contract(s), the authorized user should be familiar with and follow the terms and conditions governing its use which usually appears at the end of this document. The authorized user is accountable and responsible for compliance with the requirements of public procurement processes. The authorized user must periodically sample the results of its procurements to determine its compliance. In sampling its procurements, an authorized user should test for reasonableness of results to ensure that such results can withstand public scrutiny.

The authorized user, when purchasing from OGS contracts, should hold the contractor accountable for contract compliance and meeting the contract terms, conditions, specifications, and other requirements. Also, in recognition of market fluctuations over time, authorized users are encouraged to seek improved pricing whenever possible.

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Authorized users have the responsibility to document purchases, particularly when using OGS multiple award contracts for the same or similar product(s)/service(s), which should include:

- a statement of need and associated requirements,
- a summary of the contract alternatives considered for the purchase,
- the reason(s) supporting the resulting purchase (e.g., show the basis for the selection among multiple contracts at the time of purchase was the most practical and economical alternative and was in the best interests of the State).

PROCUREMENT INSTRUCTIONS:

For procurement instructions for this Award, please see the Contract Guidelines page located on the OGS website at: <https://online.ogs.ny.gov/purchase/snt/awardnotes/7900822419can.htm>

NON-STATE AGENCIES PARTICIPATION IN CENTRALIZED CONTRACTS:

New York State political subdivisions and others authorized by New York State law may participate in contracts. These include, but are not limited to local governments, public authorities, public school and fire districts, public and nonprofit libraries, and certain other nonpublic/nonprofit organizations. See "Participation in Centralized Contracts" in Appendix B, OGS General Specifications. For purchase orders issued by the Port Authority of New York and New Jersey (or any other authorized entity that may have delivery locations adjacent to New York State), the terms of the "Price" clause shall be modified to include delivery to locations adjacent to New York State.

Upon request, all eligible non-State agencies must furnish contractors with the proper tax exemption certificates and documentation certifying eligibility to use State contracts. A list of categories of eligible entities is available on the OGS web site (<http://www.ogs.ny.gov/purchase/snt/othersuse.asp>). Questions regarding an organization's eligibility to purchase from New York State Contracts may also be directed to OGS Procurement Services Group's Customer Services at 518-474-6717.

EXTENSION OF USE:

Any contract resulting from this bid solicitation may be extended to additional States or governmental jurisdictions upon mutual written agreement between New York State (the lead contracting State) and the contractor. Political subdivisions and other authorized entities within each participating State or governmental jurisdiction may also participate in any resultant contract if such State normally allows participation by such entities. New York State reserves the right to negotiate additional discounts based on any increased volume generated by such extensions.

NEW YORK STATE VENDOR RESPONSIBILITY QUESTIONNAIRE FOR-PROFIT BUSINESS ENTITY:

Contractor is encouraged to maintain up-to-date Questionnaire during the life of the contract and is also required to ensure this Questionnaire reflects any substantive issues that may have occurred from the time the Contract was initially awarded.

CONTRACT BILLINGS AND PAYMENTS:

a. Billings. Contractor and the dealers/distributors/resellers designated by the Contractor, if any, shall provide complete and accurate billing invoices to each Authorized User in order to receive payment. Billing invoices submitted to an Authorized User must contain all information required by the Contract and the State Comptroller or other appropriate fiscal officer. Submission of an invoice and payment thereof shall not preclude the Commissioner from requesting reimbursement or demanding a price adjustment in any case where the Product delivered is found to deviate from the terms and conditions of the Contract or where the billing was inaccurate.

Contractor shall provide, upon request of the Commissioner, any and all information necessary to verify the accuracy of the billings. Such information shall be provided in the format requested by the Commissioner and in a media commercially available from the Contractor. The Commissioner may direct the Contractor to provide the information to the State Comptroller or to any Authorized User of the Contract.

b. Payment of Contract purchases made by an Authorized User when the State Comptroller is responsible for issuing such payment. The Authorized User and Contractor agree that payments for invoices submitted by the Contractor shall only be rendered electronically unless payment by paper check is expressly authorized by the Commissioner, in the Commissioner's sole discretion, due to extenuating

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circumstances. Such electronic payments shall be made in accordance with ordinary State procedures and practices. The Contractor shall comply with the State Comptroller's procedures to authorize electronic payments. Authorization forms are available at the State Comptroller website at www.osc.state.ny.us, by e-mail at epunit@osc.state.ny.us, or by telephone at 518-486-1255. Contractor acknowledges that it will not receive payment on any invoices submitted under this Contract that are payable by the State Comptroller if it does not comply with the State Comptroller's electronic payment procedures, except where the Commissioner has expressly authorized payment by paper check as set forth above.

c. Payment of Contract purchases made by an Authorized User when the State Comptroller is not responsible for issuing such payment. The Authorized User and Contractor agree that payments for such Contract purchases shall be billed directly by Contractor on invoices/vouchers, together with complete and accurate supporting documentation as required by the Authorized User. Such payments shall be as mandated by the appropriate governing law from the receipt of a proper invoice. Such Authorized User and Contractor are strongly encouraged to establish electronic payments.

PSG's DISPUTE RESOLUTION POLICY:

It is the policy of the Office of General Services' Procurement Services Group (PSG) to provide vendors with an opportunity to administratively resolve disputes, complaints or inquiries related to PSG bid solicitations or contract awards. PSG encourages vendors to seek resolution of disputes through consultation with PSG staff. All such matters will be accorded impartial and timely consideration. Interested parties may also file formal written disputes. A copy of PSG's Dispute Resolution Procedures for Vendors may be obtained by contacting the person shown on the front of this document or through the OGS website (www.ogs.ny.gov).

REPORTING:

The Contractor will provide Authorized Users with electronic monthly statements. Daily reports will be available to Authorized Users via the Contractor's website: merchantconnect.com. Daily reports will include a transaction detail report for Credit/Charge Card, Off-Line Debit Card, and On-line Debit Card.

Fraud Reporting – When Contractor identifies suspicious transactions, it investigates the circumstances surrounding the transactions using the information on hand and, if warranted, will attempt to contact the Authorized User via phone. The Contractor will follow up with written correspondence as necessary.

Semi Annual Reports will be provided to OGS within 30 days of the close of the semi-annual period (June 30th & December 31st).

Ad hoc Reports – Other reports are also available from Merchantconnect.com, including: transaction summary reports, payment type summary reports, administration security reports, audit summary reports, security summary reports and user listing reports.

FUNDS AVAILABILITY:

All funds related to electronic payment transactions, including but not limited to credit/charge cards, on-line and off-line debit cards, and similar transactions of the FSP or its prospective subcontractor(s) must be processed for the Authorized User by the Next Business Day. A business day is Monday through Friday, excluding New York State or Federal holidays. The funds must be transferred to the individual accounts designated by each Authorized User.

TRAINING:

New York State specific training will be available, covering implementation training and on-going training. Standard training and standard on-going training will be available to all Authorized Users at no cost.

A. Implementation Training

Authorized Users, at each location, will get initial training via phone from KMS tele-training center at no charge, plus free follow-up training via tele-training via a Location-initiated request inbound to the KMS center. Onsite training at locations is available upon mutually agreeable time/date with KMS Representative.

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KMS provides merchant training services to new and existing merchants purchasing equipment or adding terminal services via telephone. These services consist of:

1. Verification of equipment receipt;
2. Verification of deployment kit materials (cords, cables, training collateral);
3. Merchant training on services (Visa, MasterCard, etc.);
4. Terminal Downloads on existing equipment (reprogramming);
5. Terminal Downloads for adding additional services;
6. Terminal training on basic functions such as sales, credits, voids, forces, reports, and settlement;
7. Installing and training on PC Products; and
8. Training on reporting services/websites.

The Contractor will provide each Authorized User with electronic access to the necessary user manuals and system documentation related to Financial Services Processing and Transaction Interfaces at no additional cost. Implementation training will be made available to each Authorized User within fourteen (14) business days of delivery of all Equipment ordered by an Authorized User for Financial Services Processing.

B. Standard On-going Training

Standard On-going Training is a repeat of Implementation Training provided to Authorized Users if they expand the scope of an existing payment program by accepting additional types of transactions, utilizing additional payment channels, or accepting transactions at additional physical locations.

HELP DESK SERVICES AND SUPPORT:

The Help Desk Services will be twenty-four (24) hours per day, seven (7) days per week, including holidays, in order to address all Authorized User customer assistance needs and technical issues for submitting electronic payment transactions, including assistance with Transaction Interfaces. The Authorized User assistance line(s) will be toll free and provide direct assistance, intake service with follow-up resolution and requests for escalated assistance. Additionally, the Contractor will maintain and provide each Authorized User with a list of the names and business phone numbers of the customer assistance staff (e.g., Contract Manager, Technical Assistant, Customer Assistant) to be available during normal business hours. The Contractor will provide the following services: Credit/Charge Card transaction Authorization, verification and inquiry services for Contractor provided Transaction Interfaces and all other customer assistance services.

MARKETING:

The Contractor will provide each Authorized User with Welcome Kits at no charge, including but not limited to: Quick Reference Guides, Operating Procedures, Listing of support phone numbers and Decals.

USER DOCUMENTATION:

The Contractor will provide Authorized User with User Documentation necessary for processing Credit / Charge Cards and On-line and Off-line Debit Cards including but not limited to formatting requirements, record layouts, applicable edits and validations. Training and user guides will be provided by Contractor to Authorized User via PDF and CD ROM.