

**Payment Processing Services (Statewide)  
Group 79008 – Award 23111**

**HOW TO USE**

Authorized Users of these contracts are strongly encouraged to read the contract terms and conditions in its entirety to gain an understanding of requirements for both the Contractors and Users. Below is a brief listing of Questions & Answers (Q&A's) to facilitate the use of the Payment Processing Services (Statewide) contracts.

**Question: Who is the OGS contact for this Contract Award?**

**Answer:** Marybeth Buhmaster, Electronic Value Transfer Administrator  
Procurement Services, 38<sup>th</sup> Floor - Corning Tower,  
Empire State Plaza, Albany, NY 12242  
Phone: 518-486-2002  
E-mail: ogs.sm.ps\_SW\_EVTA@ogs.ny.gov

**Question: Where do I find Contractor information?**

**Answer:** Contractor Information is on the OGS website landing page for this award and can be accessed through the "Contractor Information" link. Contractor Information includes but is not limited to: Contractor Name and Address, Contract Number, Contractor Business Hours, Procurement Card specifics, and Pricing.

**Question: As there are multiple awarded Contractors, how do I choose?**

**Answer:** When making purchases from the Contracts resulting from the RFP, Authorized Users shall procure products and services that best meet their form, function, and utility requirements. Authorized Users are encouraged to obtain quotes from all eligible Contractors prior to making a purchase. Pursuant to State Finance Law § 163(10)(c), at the time of purchase, Authorized Users shall base their selection among multiple Contracts upon which is the most practical and economical alternative that is in the best interests of the State.

**Question: What is an RFQ and how does that process work?**

**Answer:** The Authorized Users represent diverse sizes, revenue collection streams and technical capabilities and therefore, will have varying needs depending on their individual payment processing programs. The specific needs and requirements of each Authorized User, along with any relevant details of the applicable payment processing program, will be identified in a request for quote issued by the Authorized User under the Centralized Contracts resulting from the RFP. Contractors will have the opportunity to respond to each request for quote based on the Authorized User's specific needs. However, there is no obligation for an awarded Contractor to respond to an Authorized User's request for quote. Authorized Users are reminded that the pricing shown on the Contracts is "Not-to-Exceed" Pricing and may be negotiated lower through the RFQ process.

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**Question: How do I go about obtaining OGS approval to utilize the payment processing services available on Contract?**

**Answer:** The awarded Contractor(s) shall not provide any billable services under the Contract to Authorized Users unless the Authorized User has received prior approval from the EVTA at OGS. Entities seeking to implement Payment Processing Services shall obtain approval from OGS by using the Program Plan Application form.

All State agencies and Non-State agencies are required to submit a Program Application form for each new payment program they wish to implement. For State agencies, the selected payment method and the approval of the Program Plan Application form will be subject to the approval of the Division of Budget and the EVTA. Payment Processing Services shall not be provided to Authorized User programs without prior approval from the EVTA.

**Question: What is the next step to implementing services after my Program Plan Application has been approved?**

**Answer:** Authorized Users are encouraged to obtain quotes from all eligible Contractors prior to making a purchase. Any subsequent use of the Contract for all Authorized Users shall be approved in accordance with the Program Plan Application Form, and by utilizing the Contractor's Work Order form. Authorized Users must provide a copy of the completed Work Order form to OGS and obtain written approval from the OGS EVTA.

**Question: What Payment Gateway Providers are on Contract?**

**Answer:** Each Contractor provides a proprietary software package for payment processing that acts as a payment gateway. For more information, including costs associated with these services, please refer to the Contractor's propriety software on the Contract Price List.

**Question: Are any third-party Gateway Services on Contract?**

**Answer:** Each Contractor provides connectivity and interfacing capabilities that will enable Authorized Users to acquire 3<sup>rd</sup> party payment gateway services or to work with various 3<sup>rd</sup> party payment gateway service providers already in use by the Authorized User. Awarded Contractors may also offer Contract Pricing for payment gateway services with a 3<sup>rd</sup> Party Payment Gateway Provider(s) for which they are an authorized reseller. Any fees associated for using a third-party Payment Gateway Service provider for which the Contractor is not an authorized reseller are outside the scope of this Contract.

**Question: Can a Contractor include additional terms and conditions in their response to an RFQ?**

**Answer:** A Contractor can propose additional or alternative terms and conditions for a specific Authorized User transaction only in the Contractor's response to an Authorized User quote. A Contractor cannot require an Authorized User to agree to additional or alternative terms and conditions as a condition to the Contractor submitting a response to an Authorized User quote.

Additional or alternative terms and conditions may, in the discretion of the Authorized User, be allowed as part of a Contractor's response to an Authorized User quote and incorporated into the Authorized User Agreement provided that all of the following conditions are met:

- a. The Contractor identifies where such additional or alternative terms and conditions may be found in Contractor's response to the Authorized User quote; and
- b. The Authorized User determines that the inclusion of such additional or alternative terms and conditions results in a transaction which is, on an overall basis, more favorable to the Authorized User than if the transaction did not include such additional or alternative terms and conditions; and
- c. The Authorized User accepts such additional or alternative terms and conditions.

Notwithstanding the above, no additional or alternative term or condition shall be valid or binding on the Authorized User to the extent that such additional or alternative term or condition is less favorable to the Authorized User than, or conflicts with, any of the following provisions: All provisions of Appendix A (Standard Clauses for New York State Contracts), Appendix B Sections 43 (Termination), 56 (Indemnification), 57 (Indemnification Relating to Infringement, as revised by Section 3.7, *Appendix B Amendments*), and 58 (Limitation of Liability, as revised by Section 3.7, *Appendix B Amendments*), Section 3.31 of the Contract, Responsibility for Subcontractors, the Contract Insurance Requirements identified in Attachment 2 – Insurance Requirements, and the Not-to-Exceed Pricing on the Contract identified in Attachment 1 – Contract Pricelist.

**Question: Can I purchase a Point of Sales (POS) solution (i.e., complete POS cash register system) off the Payment Processing Services Contract?**

**Answer:** Full POS systems (which may include inventory management, scheduling, payroll, etc.) are excluded from the scope of this Contract and will not be available for purchase by Authorized Users under this Contract. These types of full POS systems may be found under other OGS Centralized Contracts, such as the OGS Information Technology Umbrella Contracts – Distributor Based (Group 73600-Award 22876) and/or Manufacturer Based (Group 73600-Award 22802).

**Question: Can I transition my current credit card processing services to a different Contractor?**

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**Answer:** Yes. Authorized Users should provide a copy of the completed work order with the new selected Contractor to the OGS EVTA.

The Authorized User may request from the Contractor an implementation plan. The implementation plan shall cover how the Contractor will assist the Authorized User to transition to the Contractor, including the timetable for deliverables, continued training, consultation, installation of POS terminals as required by the individual Authorized User needs and timeframes. The Contractor's implementation plan shall also detail the Contractor's plan for migrating an Authorized User to new hardware/software or transitioning of existing hardware/software.

Additionally, if applicable, Authorized Users should request the Contractor to develop and provide a detailed transition plan including the Contractor's willingness to waive any implementation fees for pre-existing Authorized User approved payment programs.

**Question: Can Local Governments use this Contract?**

**Answer:** Yes. This is a Centralized Contract and therefore, it is available for use by any Authorized User as that term is defined in State Finance Law Section 163(1)(k), including, but not limited to: New York State Agencies, political subdivisions, local governments, public authorities, public school and fire districts, public and nonprofit libraries, and certain other nonpublic/nonprofit organizations.

**Question: Are there M/WBE Goals for this Contract Award?**

**Answer:** No, there are no goals applied to this Contract Award.

**Question: Are there SDVOB Goals for this Contract Award?**

**Answer:** No, there are no goals applied to this Contract Award.

**Question: What is the contract term of this Award?**

**Answer:** December 20, 2019 - December 19, 2029.