

# MASTER AGREEMENT USER INSTRUCTIONS

## Supplement #2

**Important Note:** Supplement #2 replaces and supersedes User Instructions (dated 5/31/16).

<b>ISSUE AND EFFECTIVE DATE: 9/15/16</b>	
<b>TITLE/DESCRIPTION:</b>	Electronic Payment Acceptance Services
<b>CONTRACT NUMBER(S) AND CONTRACTORS:</b>	5-10-99-01 First Data Merchant Services 5-10-99-02 Elavon, Inc.
<b>CONTRACT TERM:</b>	06/01/2010 through 05/31/2017
<b>CONTRACT CATEGORY:</b>	Non-IT Services
<b>MAXIMUM ORDER LIMIT:</b>	None
<b>FOR USE BY:</b>	State and Local Governmental Agencies
<b>CONTRACT WEBSITE:</b>	<a href="http://www.dgs.ca.gov/pd/Programs/Leveraged/masteragreements/EPAY.aspx">http://www.dgs.ca.gov/pd/Programs/Leveraged/masteragreements/EPAY.aspx</a>
<b>STATE CONTRACT ADMINISTRATOR:</b>	Julie Matthews (916) 375-4612 <a href="mailto:julie.matthews@dgs.ca.gov">julie.matthews@dgs.ca.gov</a>

Ordering Agencies are instructed to carefully review these User Instructions in their entirety.

For questions, please contact the Department of General Services, Procurement Division (DGS-PD) State Contract Administrator and reference the "Title/Description" and/or Contract Number listed above.

**ORIGINAL SIGNED**

**9/15/16**

Julie Matthews, *State Contract Administrator*

Date

<b>SUMMARY OF CHANGES</b>		
<b>Supplement No.</b>	<b>Revision Description</b>	<b>Effective Date</b>
<b>2</b>	Supplement #2 includes the following changes: <ul style="list-style-type: none"><li>• <u>Section 3.B (Contractor Contact) and Attachment A</u> – Updated point of contact information for First Data (MSA 5-10-99-01).</li></ul>	9/15/16

To obtain copies of previous User Instructions, please contact the State Contract Administrator listed in Section 4 (Contract Administrators).

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## USER INSTRUCTIONS

### 1. SCOPE AND OVERVIEW

The Electronic Payment Acceptance Services (EPAY) Master Service Agreement (MSA) provides electronic payment acceptance services at contracted pricing to the State of California and participating local governmental agencies (referenced herein as “Ordering Agencies<sup>1</sup>”). The EPAY MSA consists of two separate contracts (referenced herein as “individual EPAY MSAs”):

MSA Contract	Contractor
MSA 5-10-99-01	First Data Merchant Services
MSA 5-10-99-02	Elavon, Inc.

The individual EPAY MSAs were established by the Department of General Services, Procurement Division (DGS-PD) in accordance with Government Code §6160-6166 and allow Ordering Agencies to accept payment made by means of a credit card or other payment devices. Electronic payment acceptance service categories offered<sup>2</sup> include:

- Category 1 – Credit and Debit Card Processing
- Category 2 – E-Check Processing
- Category 3 – Electronic Check Conversion / Remote Deposit Processing
- Category 4 – General Payment Services (Electronic Fund Transfer)

### 2. CONTRACT AVAILABILITY

#### A. State Agencies

- 1) Use of these agreements is mandatory for State of California agencies acquiring credit and debit card payment acceptance services offered in Category 1 (Credit/Debit Card Processing).
- 2) Use of these agreements is optional for State of California agencies acquiring electronic payment acceptance services offered in Categories 2-4. Prior to executing subscription agreements for Category 2-4 services, state agencies must contact the State Treasurer’s Office to determine requirements and approvals.

#### B. Local Governmental Agencies

- 1) Use of these agreements is optional for local governmental agencies.
- 2) Pursuant to Public Contract Code §10298-10299, a local government agency is any city, county, district, or other local governmental body or corporation empowered to expend public funds for the acquisition of goods, information technology, or services. Reference to local government agencies will also include the California State Universities (CSU) and University of California (UC) systems, school districts, and community colleges.

<sup>1</sup> Throughout this document, the term “Ordering Agencies” will refer to all state agencies and local governmental agencies eligible to utilize the MSAs as defined in Exhibit D of the individual EPAY MSAs. Instructions exclusive to state agencies or local governmental agencies are identified within the applicable section.

<sup>2</sup> Refer to Section 4.C of these User Instructions for available service categories by individual EPAY MSA Contractor.

- 3) Each local governmental agency shall determine whether use of these agreements is consistent with its procurement policies and regulations.
- 4) Local governmental agencies have no authority to amend, modify or change any condition of the MSA except those areas specifically identified in MSA 5-10-99-01 Exhibit D, Paragraph 1.f (with First Data Merchant Services) or MSA 5-10-99-02 Exhibit D, Paragraph 1.e (with Elavon, Inc.).
- 5) Local governmental agencies may be subject to credit approval by the EPAY MSA Contractor.

### 3. CONTRACT ADMINISTRATORS

The State and EPAY MSA Contractor(s) contract administrators, assigned as single points of contact for problem resolution and related contract issues, are listed below.

#### A. State Contact

State Contract Administrator	
<b>Name:</b>	Julie Matthews
<b>Phone:</b>	(916) 375-4612
<b>E-Mail:</b>	<a href="mailto:Julie.Matthews@dgs.ca.gov">Julie.Matthews@dgs.ca.gov</a>
<b>Address:</b>	Department of General Services Procurement Division 707 Third Street, 2 <sup>nd</sup> Floor, MS 2-202 West Sacramento, CA 95605

#### B. Contractor Contact

EPAY MSA Contractor Contract Managers		
MSA No.	MSA 5-10-99-01	MSA 5-10-99-02
<b>Contractor:</b>	First Data Merchant Services	Elavon, Inc.
<b>Name:</b>	Kevin Doyle	Bridget Stover
<b>Phone:</b>	(916) 835-4053	(916) 498-3443
<b>E-Mail:</b>	<a href="mailto:kevin.doyle@firstdata.com">kevin.doyle@firstdata.com</a>	<a href="mailto:bridget.stover@elavon.com">bridget.stover@elavon.com</a>

Refer to Attachment A for additional EPAY MSA contact information.

#### C. Problem Resolution/Contractor Performance

Ordering agencies should first attempt to resolve complaints, issues or disputes informally with the EPAY MSA Contractor. If the issue or dispute cannot be resolved by the Ordering Agency, the issue may be elevated to the DGS-PD State Contract Administrator.

#### 4. CONTRACT INFORMATION

##### A. Master Agreement (Contract) Documents

The EPAY MSA contract documents are posted on the Cal eProcure website. To obtain copies:

- Go to *Cal eProcure - State Contract Search* (<https://www.caleprocure.ca.gov/pages/LPASearch/lpa-search.aspx>)
- Enter the MSA contract number in the *Contract ID* field and click Search (  )
- Click View (  ) to access MSA contract webpage.
- Click View (  ) to download the MSA contract attachments.

Additional information is also available on the [DGS-PD EPAY website](#).

##### B. Agreement Term

- 1) Each individual EPAY MSA term is June 1, 2010 through May 31, 2017.
- 2) Ordering Agency subscription agreements may not include term dates which extend beyond the expiration date of the individual EPAY MSA.

##### C. Available Products and Services

Each EPAY MSA Contractor will provide electronic payment acceptance services in accordance with the terms and conditions of its individual MSA. The available service categories provided by each EPAY MSA Contractor are as follows:

Service Category Description	Service Category Offered	
	MSA 5-10-99-01 (First Data)	MSA 5-10-99-02 (Elavon, Inc.)
<b>Category 1</b> – Credit and Debit Card processing	<b>Yes</b>	<b>Yes</b>
<b>Category 2</b> – E-check processing	<b>Yes</b>	---
<b>Category 3</b> – Remote deposit/Electronic Check Conversion	<b>Yes</b>	<b>Yes</b>
<b>Category 4</b> – General Payment Services (EFT)	<b>Yes</b>	---

Refer to the individual EPAY MSAs for a complete description of services.

##### D. Requirements for American Express® Card Acceptance

American Express® Card acceptance requires an additional separate subscription agreement under the Credit Card Acceptance MSA 5-09-99-01 (with American Express Travel Related Services Company, Inc.) for settlement of all American Express® Card transactions. Refer to the MSA 5-09-99-01 User Instructions posted on the [DGS-PD EPAY website](#) (click on “*Credit Card Acceptance (American Express) MSA*”) for more information.

Note: The EPAY MSA Contractor will provide authorization, capture and routing services for American Express® Cards.

### **E. Contractor Pricing**

Refer to Exhibit E (Fees and Costs) and Exhibit E Attachments I-III of the individual EPAY MSAs for pricing information.

### **F. Electronic Payment Deposits and Settlement**

Ordering Agencies are required to provide the EPAY MSA Contractor with bank deposit account information as defined in Exhibit B of the individual MSA. The EPAY MSA Contractor shall transmit the total amount of the payment transactions to each ordering agencies' appropriate designated bank account in accordance with the provisions of Exhibit B and the schedule noted in Exhibit A of the individual EPAY MSAs.

Refer to Exhibit B (Budget Detail and Payment Provisions) of the individual EPAY MSAs for payment deposit and settlement information.

### **G. SB/DVBE Participation**

There is no California-certified Small Business (SB) or Disabled Veteran Business Enterprise (DVBE) participation for the EPAY MSAs.

## **5. CONTRACT USAGE/RULES (State Agencies Only)**

### **A. Adherence to Applicable Laws**

State agencies must adhere to all applicable State laws, regulations, policies, best practices, and purchase authority requirements (e.g. California Codes, Code of Regulations, State Administrative Manual, Management Memos, and State Contracting Manual Volume 1 and 2).

### **B. Purchasing Authority**

Prior to executing subscription agreements under the EPAY MSAs, State agencies must have been granted purchasing authority by DGS-PD for the use of master agreements. State agencies may contact the DGS-PD Purchasing Authority Management Section for information at [pams@dgs.ca.gov](mailto:pams@dgs.ca.gov).

### **C. Order Limits/Dollar Thresholds**

There are no ordering limits or dollar thresholds for subscription agreements placed under the EPAY MSAs.

### **D. DGS Approvals**

State agencies must obtain approval from the DGS Office of Legal Services (OLS) if the state agency subscription agreement amount exceeds \$50,000 in accordance with SCM Volume 1, Chapter 4. State agencies must complete and submit a [Mission Critical certification](#) for all orders which require DGS review and approval.

## 6. ORDERING PROCEDURES

### A. Contractor Selection Process

Ordering agencies are not required to solicit multiple offers when executing subscription agreements under the EPAY MSAs. Ordering agencies should select an EPAY MSA Contractor based on the agency’s processing requirements and business needs.

The recommended contractor selection steps are as follows:

Step	Description
1	Ordering Agency defines their intended payment processing environment and requirements with all necessary agency staff (i.e. Program, Technical, Accounting, Purchasing, etc.).  Areas to consider include, but are not limited to, the following: <ul style="list-style-type: none"> <li>➤ Required services (Categories 1-4)</li> <li>➤ Required card payment types (i.e. Visa, MasterCard, Discover, American Express, Debit, etc.)</li> <li>➤ Anticipated number of transactions (monthly/annually)</li> <li>➤ Anticipated transaction values (ranges and average)</li> <li>➤ Preferred capture method – Present/Non-Present (i.e. on-site/point of sale or internet)</li> <li>➤ Equipment/software needs, if known</li> </ul>
2	Ordering Agency meets with each EPAY MSA Contractor individually to discuss the agency’s intended payment processing environment and the EPAY MSA Contractor’s product/service offerings.
3	EPAY MSA Contractors provide the Ordering Agency a proposed payment solution.
4	Ordering Agency performs an analysis of each proposed solution to determine which EPAY MSA Contractor to select based on the agency’s specific business needs.
5	Ordering Agency executes a subscription agreement with the selected EPAY MSA Contractor. (See Section 6.B of these User Instructions for subscription agreement requirements and execution).

### B. Subscription Agreement Requirements

Prior to rendering services, the Ordering Agency and the selected EPAY MSA Contractor must execute a subscription agreement that:

- Incorporates all of the terms and conditions of the individual EPAY MSA by reference (i.e. *“Master Service Agreement <MSA Number> and its amendments are hereby incorporated by reference and made a part of this agreement.”*)
- Includes specific Ordering Agency terms and requirements (i.e. scope of work, agency contact, and payment provisions, as applicable) none of which may alter, rescind, or be in conflict with the terms and conditions of the individual EPAY MSA.

Note: While there is no need to duplicate the EPAY MSA contract language, Ordering Agencies should include details specific to the subscription agreement between the Ordering Agency and the selected EPAY MSA Contractor.

1) State Agency - Contract Form

State agencies must use the Standard Agreement (Std. 213) for EPAY MSA subscription agreements.

State Agency subscription agreements must contain the following:

- Standard Agreement (Std. 213)
- MSA Exhibit D Attachment II (State Authorized User Selected Services Signature Page) – *Check boxes for all MSA exhibits applicable with selected services*
- Scope of Work – *Including the specific services being ordered and the agency contract manager/project representative.*
- Agency specific terms and conditions – *Including budget, invoice and payment provisions (e.g. mailing address/contact for invoices) as applicable.*

2) Local Agency - Contract Form

Local governmental agencies may use an appropriate equivalent contract form (in lieu of the State's Std. 213 form) for EPAY MSA subscription agreements.

Local governmental agency subscription agreements must contain the following:

- Local Agency's contract form/document (equivalent to the State's Std. 213 form)
- MSA Exhibit D Attachment III (Local Authorized User Selected Services Signature Page) – *Check boxes for all MSA exhibits applicable with selected services*
- Scope of Work – *Including the specific services being ordered and the agency contract manager/project representative.*
- Agency specific terms and conditions – *Including, budget, invoice and payment provisions (e.g. mailing address/contact for invoices) as applicable.*

**C. Subscription Agreement Execution and Distribution**

Ordering Agencies must submit executed subscription agreements as follows:

1) Contractor Copies

Ordering Agency shall provide a copy of the executed subscription agreement to the appropriate EPAY MSA Contractor Contract Manager.

2) DGS-PD Copies (State Agencies Only)

State Agencies shall provide a copy of the executed subscription agreement to:  
DGS - Procurement Division, Attn: Data Entry Unit, 707 Third Street, 2nd Floor, West Sacramento, CA 95605-2811.

## **7. IMPLEMENTATION**

The EPAY MSA Contractor will work with the Ordering Agency throughout the implementation process which will include the following:

### **A. Authorized User Participation Set Up Form**

Ordering Agencies are required to complete an Authorized User Participation Set-Up Form (MSA Exhibit D Attachment I) identifying each agency location under the Ordering Agency's subscription agreement. Completed Authorized User Participation Set-Up Forms must be submitted to the appropriate EPAY MSA Contractor Contract Manager.

### **B. Set Up Process**

Upon receipt and verification of the completed Authorized User Participation Set-Up Form, the EPAY MSA Contractor will assign new Merchant Identification (MID) numbers to the specified locations and provide new MIDs to the designated Ordering Agency contact.

Ordering Agency will work with the EPAY MSA Contractor to determine requirements for updating software or terminals with the new MID number(s) and any additional implementation steps as needed.

### **C. Testing**

Ordering Agencies are encouraged to perform test transactions at each location to ensure functionality after updating the software/terminals with the new MID number(s). Ordering Agencies should work directly with their selected EPAY MSA Contractor to obtain test cards.

## **8. INVOICING AND PAYMENT**

### **A. Payment Terms**

Refer to Exhibit B of the individual EPAY MSAs for payment terms and provisions.

### **B. Payee Data Record (State Agencies Only)**

Each State accounting office must have a copy of the Payee Data Record (Std. 204) in order to process payment of invoices. State agencies should forward a copy of the Std. 204 to their accounting office(s). Without the Std. 204, payment may be unnecessarily delayed.

### **C. CAL-Card Use**

The CAL-Card may not be used for the payment of invoices.

## ATTACHMENT A - Agreement Information

Master Service Agreement (MSA)	
<b>MSA No.</b>	<b>5-10-99-01</b>
<b>Contractor Name</b>	<b>First Data Merchant Services</b>
<b>Term Dates</b>	6/1/2010 through 5/31/2017
<b>MSA Contract Link</b>	<a href="#">Cal eProcure</a> (See Section 4.A for Cal eProcure contract search instructions)
<b>Service Categories</b>	Category 1 – Credit and Debit Card Processing Category 2 – E-Check Processing Category 3 – Electronic Check Conversion / Remote Deposit Processing Category 4 – General Payment Services (Electronic Fund Transfer)
<b>CAL-Card Accepted</b>	No
<b>SB/DVBE Certification(s)</b>	None
CONTRACTOR CONTRACT MANAGER	
<b>Contract Manager</b>	Kevin Doyle
<b>Phone</b>	(916) 835-4053
<b>Email</b>	<a href="mailto:Kevin.doyle@firstdata.com">Kevin.doyle@firstdata.com</a>

Master Service Agreement (MSA)	
<b>MSA No.</b>	<b>5-10-99-02</b>
<b>Contractor Name</b>	<b>Elavon, Inc.</b>
<b>Term Dates</b>	6/1/2010 through 5/31/2017
<b>MSA Contract Link</b>	<a href="#">Cal eProcure</a> (See Section 4.A for Cal eProcure contract search instructions)
<b>Service Categories</b>	Category 1 – Credit and Debit Card Processing Category 3 – Electronic Check Conversion / Remote Deposit Processing
<b>CAL-Card Accepted</b>	No
<b>SB/DVBE Certification(s)</b>	None
CONTRACTOR CONTRACT MANAGER	
<b>Contract Manager</b>	Bridget Stover
<b>Phone</b>	(916) 498-3443
<b>Email</b>	<a href="mailto:Bridget.stover@elavon.com">Bridget.stover@elavon.com</a>