

**ID72727**

DATE: November 19, 2019

TO: Board of Acquisition and Contract

FROM: Kathleen M. O'Connor, Commissioner  
Department of Parks, Recreation and Conservation

Marguerite Beirne, Chief Information Officer  
Department of Information Technology

RE: AUTHORITY TO ENTER INTO A LICENSE AGREEMENT WITH PLUG & PAY TECHNOLOGIES, INC. ("PNP") FOR FIVE YEARS OF CREDIT CARD GATEWAY SERVICES COMMENCING ON DECEMBER 1, 2019 AND TERMINATING ON NOVEMBER 30, 2024 FOR A TOTAL NOT TO EXCEED CONTRACT AMOUNT OF \$5,000.00.

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Authority is hereby requested for the County of Westchester ("County") acting by and through the Department of Parks, Recreation and Conservation ("PRC") and the Department of Information Technology, to enter into an agreement with Plug & Pay Technologies, Inc., 1363-26 Veterans Highway, Hauppauge, NY 11788, whereby PNP will provide credit card gateway services in conjunction with the implementation of the Parks Reservation System from Vermont Systems Inc., utilized by PRC.

Pursuant to the proposed license agreement, PNP will provide credit card gateway services for a five year period commencing on December 1, 2019 and terminating on November 30, 2024 for a total not to exceed contract amount of \$5,000 (the "Agreement"). The County will pay PNP a monthly fee of \$30 (for up to 200 gateway services transactions), or more for the gateway service depending on the number of transactions in any given month. The not to exceed contract amount is based on the anticipated increase in credit card transactions processed for reservations during this Agreement.

The public purpose of the requested contract for gateway services is to provide park patrons with the option to use credit cards to pay facility and activity registrations on site and over the web. Currently this is the only option which will handle both counter and web transactions. Also, this vendor is certified to work with our software provider and the vendor has confirmed that this is the only option available for gateway services to allow us to continue using Key Merchant Services, LLC as our processor. Accordingly, the proposed Agreement is a sole source procurement in accordance with Article 9 of the Westchester County Procurement Policy.

In addition, the County will indemnify and hold harmless PNP from and against any and all claims arising from the Agreement.

By providing the option to use credit cards as payment for admission, products and services at County parks, revenues increase, thereby reducing the dependence of the park system on the tax levy, which demonstrates PRC's commitment to fiscal responsibility.

The goals and objectives of the requested services are to provide a rapid authorization confirmation for credit card transactions, which will continually be monitored by PRC staff. The Rectrac System from Vermont Systems can be used to monitor response time for credit card transactions.

Accordingly, the attached resolution is submitted for your consideration.

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/12/2019 - LEAH MURPHY, SECRETARY

## RESOLUTION

Upon a communication from the Commissioner of the Department of Parks, Recreation and Conservation and the Chief Information Officer, Department of Information Technology, be it hereby

RESOLVED, that the County of Westchester (“the County”) is authorized to enter into a license agreement with Plug & Pay Technologies, Inc., having a place of business located at 1363-26 Veterans Highway, Hauppauge, NY 11788, for credit card gateway services for a five year period commencing on December 1, 2019 and terminating on November 30, 2024, for a total not to exceed contract amount of \$5,000; and be it further

RESOLVED, that it has been determined that Plug & Pay Technologies, Inc. is the only source for this service and is therefore a sole source procurement in accordance with Article 9 of the County Procurement Policy; and be it further

RESOLVED, that the license agreement will contain language requiring the County to indemnify, defend and hold harmless Plug & Pay Technologies, Inc., from and against any and all third party claims arising from the license agreement; and be it further

RESOLVED, that this Agreement is subject to County appropriations; and be it further

RESOLVED, that this Agreement is also subject to further financial analysis of the impact of any New York State Budget (the “State Budget”) proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized to execute and deliver any and all documents and to take all action necessary and appropriate to effectuate the purposes hereof.

