

**#90517**

Date: January 21, 2022

To: Honorable Board of Acquisition and Contract

From: Ann Marie Berg  
Commissioner of Finance

Marguerite Beirne  
Chief Information Officer

Re: Authorization for the County of Westchester to enter into an agreement with American Express Travel Related Services Company, Inc. through New York State Contract No. PS69501 to obtain various credit card services, including authorization, capture, settlement and reporting services for American Express credit cards through the Electronic Value Transfer Program, for a five (5) year term commencing retroactive to November 16, 2021 for an annual amount currently estimated to be \$75,000, for a total amount not-to-exceed of \$425,000.

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Authority is requested for the County of Westchester (“County”), acting by and through its Department of Finance (the “Department”), to enter into an agreement with American Express Travel Related Services Company, Inc. (“American Express”), through New York State Contract No. PS69501 (the “Agreement”), pursuant to which American Express will provide the County with various credit card services, including authorization, capture, settlement and reporting services for American Express credit cards through the Electronic Value Transfer (“EVT”) Program. American Express is a sole-source provider of American Express authorization, capture, settlement and reporting services. In order for the County to accept American Express cards through the EVT program, the County must enter into New York State Contract No. PS69501 with American Express.

It should be noted that the County’s previous contract with American Express for these services through New York State Contract No. PS65669 expired on November 30, 2016, but was renewed for an additional five (5) year term which expired on November 30, 2021. New York State (the “State”) then negotiated a new contract with American Express for a new five (5) year term commencing on November 16, 2021. As such, it will now be necessary for the County to retroactively enter into a new five (5) year contract with American Express commencing on November 16, 2021.

Pricing will be as set forth in Contract No. PS69501. The annual service fees associated with the Agreement are currently estimated to be Seventy Five Thousand (\$75,000) Dollars and will be charged to the respective user departments' revenue or expense accounts, where appropriate. Payment shall be subject to appropriations. The total amount payable by the County to American Express during the term of the Agreement shall not exceed the sum of \$425,000. In addition, the County shall have the right to cancel the contract on thirty (30) days written notice for cause.

Attached hereto as Schedule "A" is a list of the County locations where credit cards are currently accepted. Other locations may be added to the list with the approval of the Commissioner of Finance and subject to the County's business needs.

By Act No. 8-2002, the Westchester Board of Legislators, pursuant to General Municipal Law §5, authorized the County to enter into agreements with the financing agencies or card issuers to provide for the acceptance of credit cards by the County Clerk and the Commissioner of Finance and their designees as means of payment of fines, civil penalties, rent, rates, taxes, fees, charges, revenue, financial obligations or other amounts including penalties, special assessments and interest owed to the County. Accordingly, if the attached resolution is approved, the County shall obtain credit card services through New York State Contract PS69501 and rent or purchase equipment thereunder necessary to provide credit card processing services.

The Agreement will serve a public purpose by offering the County the opportunity to obtain more favorable discount rates through the New York State contracts thereby reducing the user departments' costs and to accept credit cards over the internet and telephone as well as point of sale.

The goals and objectives of this Agreement are to achieve the aforementioned public purposes. The goals and objectives will be tracked and monitored through the Department of Finance and the County Clerks' Office for their respective accounts.

The Agreement is exempt from the County Procurement Policy pursuant to Section 3(a)i thereof which exempts procurements made pursuant to New York State General Municipal Law Section 104.

I recommend that your Honorable Board act favorably on the attached resolution.

AMB/MB/LB/jpg  
Attachment

## RESOLUTION

Upon a communication from the Commissioner of Finance and the Chief Information Officer, be it hereby:

**RESOLVED**, that the County of Westchester (the "County") is authorized to enter into an agreement with American Express Travel Related Services Company, Inc. ("American Express") under New York State Contract No. PS69501 (the "Agreement"), pursuant to which American Express will provide the County with various credit card services, including authorization, capture, settlement and reporting services for American Express credit cards through the Electronic Value Transfer ("EVT") Program for a term commencing retroactive to November 16, 2021 and continuing through November 15, 2026; and be it further

**RESOLVED**, that attached hereto as Schedule "A" is a list of the County locations where credit cards are currently accepted. Other locations may be added to the list with the approval of the Commissioner of Finance and subject to the County's business needs; and be it further

**RESOLVED**, that in consideration for services rendered, the County shall pay American Express an annual amount currently estimated to be Seventy-Five Thousand (\$75,000) dollars, at the rates set forth in Contract PS69501, for a total amount not-to-exceed of Four Hundred Twenty Five Thousand (\$425,000) dollars; and be it further

**RESOLVED**, that the above reference fees shall be charged to the respective user departments' revenue or expense accounts, where appropriate; and be it further

**RESOLVED**, that the County shall have the right to cancel the Agreement on thirty (30) days written notice for cause; 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 take such action and execute such documents as may be necessary and proper to effect the purposes hereof.



**Schedule "A"**

1. Department of Parks Recreation and Conservation
2. Westchester County Center
3. Department of Human Resources
4. Consumer Protection
5. Department of Health
6. County Clerk
7. Westchester County Airport
8. Department of Tourism

APPROVED BOARD OF ACQUISITION & CONTRACT - 02/24/2022 - RAYMOND SCULKY, SECRETARY