

Exhibit A

OFFICE MEMORANDUM

TO: JIM SCHOLL, CITY MANAGER
FR: S. SNIDER, PURCHASING AGENT
DA: OCTOBER 1, 2010
RE: RFP # 010-10 – Merchant Services

Please find attached RFP # 010-10 – Merchant Services. The attached information will be posted on DemandStar as well as published in the Key West Citizen at least ten (10) days prior to opening.

Specifications were provided by the Finance Director.

Please review and initial below indicating your approval, disapproval or comments.

WITTENBERG	___	APPROVED	___	DISAPPROVED	___	SEE COMMENTS
McLAUHLIN	___	APPROVED	___	DISAPPROVED	___	SEE COMMENTS
WALKER	___	APPROVED	___	DISAPPROVED	___	SEE COMMENTS
FINIGAN	___	APPROVED	___	DISAPPROVED	___	SEE COMMENTS
FERNANDEZ	___	APPROVED	___	DISAPPROVED	___	SEE COMMENTS
SCHOLL	___	APPROVED	___	DISAPPROVED	___	SEE COMMENTS
SMITH	___	APPROVED	___	DISAPPROVED	___	SEE COMMENTS

/ses

, 2010

To: All Prospective Proposers

City of Key West RFP #010-10 – Merchant Services contains the following documents:

- a. Cover letter one (1) page in length
- b. Proposal twenty (20) pages in length
- c. Required permit/license one (1) page in length
- d. Anti-Kickback Affidavit one (1) page in length
- e. Local Vendor Certification one (1) page in length
- f. Entity Crimes Statement three (3) pages in length
- g. Call for Proposals one (1) page in length

Please review your proposal package to ensure it contains all of these documents. If not, contact Sue Snider, City of Key West Purchasing Agent at (305) 809-3815, immediately, to obtain copies of any missing document(s).

Proposers submitting proposals should ensure that the following documents are completed, certified, and returned as instructed: Anti-Kickback Affidavit, Public Entity Crimes Certification, Copy of Current Occupational License, and Local Vendor Certification, if applicable.

SUBJECT: RFP#010-10
MERCHANT SERVICES

ISSUE DATE: TO BE SET

MAIL PROPOSALS TO: CITY CLERK
CITY OF KEY WEST
525 ANGELA STREET
KEY WEST, FL 33040

DELIVER PROPOSALS TO: SAME AS ABOVE

PROPOSALS MUST BE TO BE SET
RECEIVED:

NOT LATER THAN: P.M.

SUE SNIDER
PURCHASING AGENT
CITY OF KEY WEST

ses

Enclosures

REQUEST FOR PROPOSAL (RFP) #010-10

City of Key West
P.O. Box 1409
525 Angela St.
Key West, Fl. 33031

I. INTRODUCTION

The City of Key is requesting proposals from eligible and qualified firms, authorized to do business in the State of Florida to provide Merchant Services to various departments within the City of Key West, Florida (the City.) The services provided will be in accordance with the Request for Proposal (the RFP).

This RFP is intended to serve as the proposal form for the Merchant Services agreement. There are several blanks to fill in and questions to be answered. The evaluation of the proposer's proposal will be based on these responses. The RFP also requests certain information to be attached and specifically labeled. Proposals must be complete, address all aspects of the RFP, and include all requested information to receive full consideration by the City in the selection process.

The City desires to enter into a contract of mutual party benefit and will be happy to answer all questions pertaining to this RFP. All questions regarding this RFP should be directed by e-mail to Roger Wittenberg Finance Director, at rwittenb@keywestcity.com. Questions and answers will be published as an addendum on Demand Star and made available to all proposers of record. Questions will be answered every Monday until the deadline.

II. TIMELINE

The City anticipates the following calendar of events:

TARGET DATE (2010/2011)	DISCRIPTION OF EVENTS
Friday, October 22	Issue RFP post on Demand Star
Wednesday, November 10	Deadline for written question and clarifications
Friday, November 19	Receive proposals
Week of December 6 -10	Selection committee meeting
Tuesday, January 18	Commission consideration for award
Tuesday, February 15	Contract Signed Begin implementation
Friday, April 1,	Implementation

III. BACKGROUND

The City has provided the option to pay by credit card for some time now, Visa, MasterCard, American Express and Discover, at various locations throughout the City. Over the past few years credit card transactions have averaged 2,000 – 4,000 per month in total from the various locations.

In the past year in an effort to save on personnel costs the city owned parking lots have gone from a manned pay station to an unattended pay and display station. At the same time, the city has been replacing its parking meters with pay stations that service entire blocks.

As a result of these changes the city has begun to incur an additional 17,000 small sale transactions per month.

The city currently has 27 CALE machines and anticipates replacing an AMANO machine currently at the Park-n-Ride with 2- 4 CALE's prior to awarding of this RFP. During the next fiscal year the City plans on adding 15 more and periodically thereafter as needed.

III. CRITERIA FOR EVALUATION AND SELECTION

All complete and responsive proposals will be evaluated by the Selection Committee comprised of the Finance Director, the Deputy Finance Director, the Director of IT, and a representative of Public Financial Management (PFM) at a publicly noticed meeting. The evaluation of the proposals will be made based on the following criteria:

- Ability to perform and provide the required services; 30 pts
- Completeness of proposal and agreement to scope of services outlined in the RFP; 10pts
- Discount rates, service fees, rental fess and any other fees; 35 pts
- Settlement: timeliness of credits issued to depository bank; and, 10 pts
- Equipment: state of the art, ability to integrate with other City software systems. 10 pts
- References 5pts

The City of Key West reserves the right to ask questions, seek clarification of any or all Proposers as part of its evaluation. Only the three (3) highest rated Proposals as determined by the Selection Committee will go forward to the City Commission in ranked order. Final award will be made by the City Commission, based solely on that response which, in their opinion, is in the best interest of the City of Key West, all factors considered, irrespective of the Selection Committee ranking.

IV. SCOPE OF SERVICES

A. Scope: The successful Proposer will furnish credit card services to the City for a period of three (3) years with an option to renew with two (2) one-year extensions. All terms and conditions shall remain the same during the contract period and any subsequent renewals.

B. Transaction Fees: Proposals shall be based on the transaction/convenience fees to be charged to the City/City customer for processing VISA, MasterCard, Discover, and American Express credit cards as well as debit cards. All interchange dues, assessments and any other fees levied by VISA/MC, AMEX & Discover should be considered/treated as direct pass-through to the City, except in the case of convenience fee billing proposals.

C. Service locations: Currently the City has two types of service locations. These service locations each comprise a merchant account. The City also wishes to collect charges on-line sometime in the near future.

1) The City currently has the following service locations/accounts for walk-in or phone in point of sale transactions.

- Parking Department – has one swipe terminal used for paying parking tickets
- Building Department – has one swipe terminal used for paying building permits and occupational licenses
- Revenue Department – has one swipe terminal used for paying all types of city charges, the most prevalent being utility payments that account for 95% of all transactions.
- Key West Bight Marina Dock – has one swipe terminal at the dock masters office for fuel sales, supplies and rent payments.
- Key West Bight Marina Office – has one swipe terminal in the office for rents and misc payments.
- Garrison Bight Marina – has one swipe terminal at the office for rent, parking and ramp fee payments
- Transfer Station – has one swipe terminal for payment of dumping charges

2) The City has the following service location/accounts for the payment of parking space charges.

- Key West Bight Parking – has 3 unattended pay stations for parking spaces.
- Park-N-Ride – has 3 (see appendix 4) unattended pay station for parking spaces.
- City Parking – has 24 unattended pay stations in parking lots and on city streets throughout the city.

E. Equipment and Access: Currently the City leases all of its swipe terminals. The City purchases and maintains all of its unattended parking pay stations. All pay stations are manufactured by CALE. (See Appendix 3 for type of equipment.) At the current time the City does not process payments through the internet however, the Vendor must have capability to integrate with City's software and website. Please propose the equipment that will be necessary to process these transactions and the related costs

F. Credit Card Service: The ability to process VISA, MasterCard, American Express, and Discover credit cards is required.

G. Supplies: The Credit Card Services Provider will furnish to the City all necessary supplies to process transactions. One-part and two-part paper for use in terminals and printers are required. Please provide any costs associated with supplies that will be charged to the City.

H. History and Reports: The following examples are either provided herein or available from the City regarding transaction history: 1.) Credit Card Usage – A summary of credit card transactions reflecting gross volume and net sales for September, 2009 to March, 2010. 2.) A sample page from a monthly statement may be requested by contacting the Purchasing Division. The sample monthly statement represents the type of reporting the Credit Card Services Provider shall submit to the City. 3.) In addition to the above reports, daily detailed reports may be requested on an as-needed basis.

I. Implementation: Credit card services must be installed, training completed, and the system ready to go live in accordance with the proposed timeline.

J. On-Line Transactions: The City uses Sungard (HTE), public sector software to provide all the modules necessary to run the City. Sungard uses a software application called Click to Gov to provide on line payment access. Although the City does not currently use this application it plans on implementing the parking ticket and utility payment portions of this application in the near future. The ability to process online transactions is required.

K. Settlement: The City will maintain a bank account in their Depository Bank. Currently, this account is at First State Bank of the Florida Keys, Key West, Florida. The City requires that an Automated Clearing House (ACH) credit or debit be made to the settlement account at the designated depository bank.

L. Credits and Adjustments: Credit to a cardholder will be issued through the point-of sale terminals or third party software vendors.

M. Fees: The Merchant Services Provider will invoice the City monthly for fees as established in the Schedule of Charges furnished herein. This invoice statement should reflect daily summary activity, total sales, number of transactions and all transaction costs and fees associated with the credit records processed. The invoice can be mailed and a check processed from the City, or an ACH payment can be initiated to pay the monthly billing.

N. Reports: The City requires access to daily activity reports for each merchant ID/ Terminal ID in addition to the monthly summary activity reports and invoices. The City also requires on-line access to all activity through secure internet access.

O. Charge-Back Procedures: The City requires notification by email to the City's Finance department designee regarding items to be processed as charge-backs.

P. Data Security: Service providers must agree to properly dispose of sensitive cardholder data when no longer needed. The service provider must continue to treat cardholder data confidential upon contract termination and must provide the City with documentation showing PCI Data Security certification has been achieved. All failures to comply with PCI Data Security requirements must be reported to the City immediately along with a timeline for corrective action.

Q. INSURANCE

Prior to the execution of any contract, the City of Key West requires that any awarded contractor must provide to the City a certificate of insurance (Accord or other approved format) naming the City of Key West as additional insured, for the following:

- * General liability (including completed operations coverage) in the amounts of \$1,000,000 (combined single limit) Bodily Injury/Property Damage coverage per occurrence, and \$2,000,000 general aggregate coverage.
- Automobile Liability in the amount of \$1,000,000 (combined single limit), Property Damage and Bodily Injury coverage.
- Professional Liability, in an amount not less than \$500,000.00 per occurrence and \$1,000,000.00 aggregate.
- Worker's Compensation as defined in the Florida General Statutes.

Any subcontractor to a contracted firm shall be likewise covered, and shall furnish certificates of coverage acceptable to the City before starting work.

V. PROPOSAL INSTRUCTION AND FORMAT

The proposal shall include each of the following:

A. A TRANSMITTAL LETTER signed by the appropriate officer of the firm offering the proposal and certifying that the proposal and any cost projections included will remain in effect for 90 days.

B. APPENDIX 1 Proposers qualifications - Consists of 6 parts, the response to each part should be Labeled "Attachment (*Question #*) – (*Question descriptions*)" and attached to the transmittal letter

C. APPENDIX 2 References – Please provide four (4). Use forms and format provided. If sufficient space does not exist insert blank page and continue

D. APPENDIX 3 Costs – Please fill in cost information as applicable using forms and format provided.

E. APPENDIX 4 EQUIPMENT – For informational purposes.

F. CITY'S FORMS

Proposer shall complete and return all City forms and any other forms included in this RFP. Omission of any of these forms may result in the disqualification of the offer.

G. ADDENDA

If it becomes necessary to revise any part of this request or if additional data is necessary to enable interpretation of provisions of these document revisions, answers to questions asked, and/or addenda will be provided to all prospective firms who received this document through Demand Star or by directly contacting the City's project manager

Those plan holders of record in Demand Star will be provided these documents via Demand Star. Those plan holders that obtained this RFP by contacting the City will be notified by email.

H. SUBMISSION

An original and four (4) copies of Proposal are required, as well as one copy via compact disk or USB drive in pdf or similar standard readable format.

**APPENDIX 1
PROPOSER'S QUALIFICATION**

1. Provide a brief overview of your company including the following:
 - The name and location of your company, including the office location that will be serving the City.
 - A brief description of your business.
 - The number of years your company has been in business
 - Is your company a subsidiary of another corporation? If so, what is the name of the parent company?
 - The number of staff dedicated to provide requested service.
(Label "Attachment 1 – Overview")

2. Merchant proposer must be able to provide beginning to end merchant services, including equipment/software, credit and charge transaction authorization, routing and settlement for all major credit and debit cards. Describe this process and identify any joint venture or affiliated relationships required to complete the processing of the transaction. (Attach to proposal), (Label "Attachment 2 – Process").

3. Describe your customer support function. Including hours of operations, phone numbers, after hours and weekend availability, reaction time, service location, local contact etc. Describe the process and proposed time line if a terminal went down during the weekday and if it went down during a weekend or after hours. (Attach to proposal), (Label "Attachment 3 – Customer Service")

4. Please provide a sample Merchant Statement and explain how the City would resolve any differences between internal deposits records and the Merchant Account Statement i.e. (where and who would the city call, documentation required, etc.). (Attach to Proposal), (Label "Attachment 4 – Merchant Statement").

**APPENDIX 1
PROPOSER'S QUALIFICATION**

5. Please indicate any exceptions or concerns taken to **IV. SCOPE OF SERVICES** (above). (Label "Attachment 5 – Exception to Scope").

6. Please provide an implementation timeline once a contract has been signed. (Label "Attachment 6 – Implementation Timeline").

**APPENDIX 2
REFERENCES**

Please list four management-level contacts from government or large credit card accounts.

Reference 1

Name of Account: _____

Phone number _____ Name of contact _____

Title _____ Email: _____

Installation Date _____ Duration of project _____

Scope of work completed _____

**APPENDIX 2
REFERENCES**

Reference 2

Name of Account _____

Phone number _____ Name of contact _____

Title _____ Email: _____

Installation Date _____ Duration of project _____

Scope of work completed _____

**APPENDIX 2
REFERENCES**

Reference 3

Name of Account _____

Phone number _____ Name of contact _____

Title _____ Email: _____

Installation Date _____ Duration of project _____

Scope of work completed _____

**APPENDIX 2
REFERENCES**

Reference 4

Name of Account _____

Phone number _____ Name of contact _____

Title _____ Email: _____

Installation Date _____ Duration of project _____

Scope of work completed _____

**APPENDIX 3
COSTS**

One-Time Fees:

Fee Description	One Time Costs
Software	
Software Upgrades	
Merchant Application Fee	
Setup Fee by Processor	
Internal Control and Procedures Review	
Initial Training – onsite	
Additional Training – telephone or written training	
Other:	

Product Fees: (See Appendix 3 for type of Equipment.)

Product	Model	Rental per Month	Purchase per Devise
Terminal (Attach type)			
Printer (Attach type)			
PIN Pad (Attach type)			
Check Reader-Imager			
Imprinter			
Electronic Check Svs. Fee			
On-line Reporting (Monthly Fee/User ID)			
Wireless Equipment:			
Supplies			
Other:			

**APPENDIX 3
COSTS**

Monthly Fees: Required per Merchant Account

Fee Description (fees paid to Merchant)	Per Item Cost	Monthly Cost
Account Fee		
Technical Support		
Monthly Statement		
Security Coverage		
Minimum Transaction Volume		
Transaction/Network Access		
Other:		

List All Additional Fees Required to Process Payment Made On-Line through the City website

Fee Description (fees paid to Merchant)	Per Item Cost	Monthly Cost
Charge Backs		
Other:		

Settlement:

Provide applicable period for deposits to City's bank accounts, i.e., 24 hours, 36 hours, 48 hours, 72 hours:

**APPENDIX 3
COSTS
CITY OF KEY WEST CREDIT CARD TRANSACTIONS
By MERCHANT STATEMENT
VOLUMES BASED ON JUNE 2010**

The City would like you to include only your cost and any per transaction fee over and above the interchange/pass through fee in the City column. The City would expect any cost in the City Customer column (convenience fee) be an all inclusive cost including all interchange fees.

Department/ Payment Type / Equipment in use	Monthly Activity	City Cost Price/Unit	City Customer Cost Price/Unit
Revenue Department / Utility Payments / One swipe terminal			
Visa			
Sales # Transactions	370		
Sales \$ Amount	\$60,063.89		
MasterCard			
Sales # Transactions	202		
Sales \$ Amount	\$40,604.88		
American Express			
Sales # Transactions	119		
Sales \$ Amount	\$29,758.35		
Discover Card			
Sales # Transactions	8		
Sales \$ Amount	\$1,412.80		

Department/ Payment Type / Equipment in use	Monthly Activity	City Cost Price/Unit	City Customer Cost Price/Unit
Parking Department / Ticket Payments / One swipe terminal			
Visa			
Sales # Transactions	307		
Sales \$ Amount	\$11,625.50		
MasterCard			
Sales # Transactions	108		
Sales \$ Amount	\$5,756.25		
American Express			
Sales # Transactions	38		
Sales \$ Amount	\$2,282.10		
Discover Card			
Sales # Transactions	12		
Sales \$ Amount	\$3,445.00		

**APPENDIX 3
COSTS
CITY OF KEY WEST CREDIT CARD TRANSACTIONS
By MERCHANT STATEMENT
VOLUMES BASED ON JUNE 2010**

Department/ Payment Type / Equipment in use	Monthly Activity	City Cost Price/Unit	City Customer Cost Price/Unit
Building Department / Permit Payments / One swipe terminal			
Visa			
Sales # Transactions	75		
Sales \$ Amount	\$8,621.94		
MasterCard			
Sales # Transactions	25		
Sales \$ Amount	\$11,352.73		
American Express			
Sales # Transactions	38		
Sales \$ Amount	\$7,926.45		
Discover Card			
Sales # Transactions			
Sales \$ Amount			

Department/ Payment Type / Equipment in use	Monthly Activity	City Cost Price/Unit	City Customer Cost Price/Unit
Transfer Station / Dumping Payments / One swipe terminal			
Visa			
Sales # Transactions	34		
Sales \$ Amount	\$1,230.92		
MasterCard			
Sales # Transactions	9		
Sales \$ Amount	\$318.01		
American Express			
Sales # Transactions	6		
Sales \$ Amount	\$369.29		
Discover Card			
Sales # Transactions			
Sales \$ Amount			

**APPENDIX 3
COSTS
CITY OF KEY WEST CREDIT CARD TRANSACTIONS
By MERCHANT STATEMENT
VOLUMES BASED ON JUNE 2010**

Department/ Payment Type / Equipment in use	Monthly Activity	City Cost Price/Unit	City Customer Cost Price/Unit
Key West Bight Marina / Fuel Rents Supplies/ Two swipe terminal			
Visa			
Sales # Transactions	267		
Sales \$ Amount	\$123,249.99		
MasterCard			
Sales # Transactions	91		
Sales \$ Amount	\$21,959.17		
American Express			
Sales # Transactions	110		
Sales \$ Amount	\$129,954.73		
Discover Card			
Sales # Transactions			
Sales \$ Amount			

Department/ Payment Type / Equipment in use	Monthly Activity	City Cost Price/Unit	City Customer Cost Price/Unit
Key West Bight Marina Parking / Parking Payments / Three Unattended swipe station			
Visa			
Sales # Transactions	3513		
Sales \$ Amount	\$24,816.50		
MasterCard			
Sales # Transactions	1462		
Sales \$ Amount	\$10,293.25		
American Express			
Sales # Transactions			
Sales \$ Amount			
Discover Card			
Sales # Transactions	67		
Sales \$ Amount	\$489.50		

**APPENDIX 3
COSTS
CITY OF KEY WEST CREDIT CARD TRANSACTIONS
By MERCHANT STATEMENT
VOLUMES BASED ON JUNE 2010**

Department/ Payment Type / Equipment in use	Monthly Activity	City Cost Price/Unit	City Customer Cost Price/Unit
Park-N-Ride/ Parking Payments / One Unattended pay stations**			
Visa			
Sales # Transactions			
Sales \$ Amount			
MasterCard			
Sales # Transactions			
Sales \$ Amount			
American Express			
Sales # Transactions			
Sales \$ Amount			
Discover Card			
Sales # Transactions			
Sales \$ Amount			

Department/ Payment Type / Equipment in use	Monthly Activity	City Cost Price/Unit	City Customer Cost Price/Unit
Garrison Bight Marina/ Rental Ramp Parking Payments / One swipe terminal			
Visa			
Sales # Transactions	179		
Sales \$ Amount	\$38,751.56		
MasterCard			
Sales # Transactions	62		
Sales \$ Amount	\$15,974.97		
American Express			
Sales # Transactions	35		
Sales \$ Amount	\$11,302.70		
Discover Card			
Sales # Transactions	6		
Sales \$ Amount	\$961.95		

** - Sales included in 24 pay station on following page. Account to be set separated for accounting purposes upon purchase of new machines (see Appendix 4). Total sales for June from this account, included in total of 24 on next page was \$8,162.

**APPENDIX 3
COSTS
CITY OF KEY WEST CREDIT CARD TRANSACTIONS
By MERCHANT STATEMENT
VOLUMES BASED ON JUNE 2010**

Department/ Payment Type / Equipment in use	Monthly Activity	City Cost Price/Unit	City Customer Cost Price/Unit
Parking / Parking Payments / 24 unattended pay stations *			
Visa			
Sales # Transactions	17,470		
Sales \$ Amount	\$116,734.75		
MasterCard			
Sales # Transactions	7,152		
Sales \$ Amount	\$48,735.15		
American Express			
Sales # Transactions			
Sales \$ Amount			
Discover Card			
Sales # Transactions	243		
Sales \$ Amount	\$2,127.25		

Department/ Payment Type / Equipment in use	Monthly Activity	City Cost Price/Unit	City Customer Cost Price/Unit
ONLINE / Parking Ticket Payments and Utility Payments / City Website			
Visa			
Sales # Transactions	?		
Sales \$ Amount	?		
MasterCard			
Sales # Transactions	?		
Sales \$ Amount	?		
American Express			
Sales # Transactions	?		
Sales \$ Amount	?		
Discover Card			
Sales # Transactions	?		
Sales \$ Amount	?		

* - Fifteen additional pay stations were added in May

**APPENDIX 4
CITY OF KEY WEST EQUIPMENT**

EQUIPMENT

CITY LEASED EQUIPMENT

7 – Hypercom Model T4205 – Swipe Card with key pad and receipt tape with dedicated phone line.

CITY-OWNED EQUIPMENT

27 - CALE MP104

- The City anticipates replacing an AMANO pay station currently being used at the Park-n-Ride with 2 to 4 CALE stations within the next 3 months.
- An additional 15 CALE pay stations will be purchased next year

PERMIT REQUIREMENT
AND COST

BUILDING/ZONING PLEASE COMPLETE

ANTI-KICKBACK AFFIDAVIT

STATE OF FLORIDA

SS

COUNTY OF MONROE

I, the undersigned, hereby duly sworn, depose and say that no portion of the sum herein bid will be paid to any employee of the City of Key West as a commission, kickback, reward or gift, directly or indirectly by me or any member of my firm or by an officer of the corporation.

BY: _____

sworn and prescribed before me this _____ day of _____, 2010

NOTARY PUBLIC, State of Florida

My commission expires: _____

LOCAL VENDOR CERTIFICATION PURSUANT TO CKW ORDINANCE 09-22 SECTION 2-798

The undersigned, as a duly authorized representative of the vendor listed herein, certifies to the best of his/her knowledge and belief, that the vendor meets the definition of a "Local Business." For purposes of this section, "local business" shall mean a business which:

- a. *Principle address as registered with the FL Department of State located within 30 miles of the boundaries of the city, listed with the chief licensing official as having a business tax receipt with its principle address within 30 miles of the boundaries of the city for at least one year immediately prior to the issuance of the solicitation.*
- b. *Maintains a workforce of at least 50 percent of its employees from the city or within 30 miles of its boundaries.*
- c. Having paid all current license taxes and any other fees due the city at least 24 hours prior to the publication of the call for bids or request for proposals.
 - o Not a local vendor pursuant to Ordinance 09-22 Section 2-798
 - o Qualifies as a local vendor pursuant to Ordinance 09-22 Section 2-798

If you qualify, please complete the following in support of the self certification & submit copies of your County and City business licenses. Failure to provide the information requested will result in denial of certification as a local business.

Business Name

Phone:

Current Local Address:

Fax:

(P.O Box numbers may not be used to establish status)

Length of time at this address

Signature of Authorized Representative

Date

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20__.

By _____, of _____
(Name of officer or agent, title of officer or agent) Name of corporation acknowledging)
or has produced _____ as identification
(type of identification)

Signature of Notary

Return Completed form with
Supporting documents to:
City of Key West Purchasing

Print, Type or Stamp Name of Notary

Title or Rank

SWORN STATEMENT PURSUANT TO SECTION 287.133(3)(A)
FLORIDA STATUTES, ON PUBLIC ENTITY CRIMES

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY
PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS,

1. This sworn statement is submitted to _____
by _____
(Print individual's name and title)
for _____
(print name of entity submitting sworn statement)

whose business address is _____
and (if applicable) its Federal Employer Identification Number (FEIN) is _____
(If the entity has no FEIN, include the Social security Number of the individual signing
this sworn statement: _____)

2. I understand that a "public entity crime" as defined in Paragraph 287.133(1)(g), Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or of the United States, including, but not limited to, any bid or contract for goods or services to be provided to any public entity or an agency or political subdivision of any other state or of the United States and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.
3. I understand that "conviction" as defined in Paragraph 287.133(1)(g), Florida Statutes, means a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment of information after July 01, 1989, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.
4. I understand that an "affiliate" as defined in Paragraph 287.133(1)(a), Florida Statutes, means:

1. A predecessor or successor of a person convicted of a public entity crime;
or
2. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. the term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment of income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.
5. I understand that a "person" as defined in Paragraph 287.133(1)(e), Florida Statutes, means any natural person or entity organized under the laws of any state of the United States with the legal power to enter into a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of an entity.
6. Based on information and belief, the statement which I have marked below is true in relation to the entity submitting this sworn statement (indicate which statement applies).

____ Neither the entity submitting this sworn statement, or any of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, nor any affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July, 1989.

The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 01, 1989.

The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 01, 1989. However, there has been a subsequent proceeding before a Hearing Officer of the State of Florida, Division of Administrative Hearings and the Final Order entered by the Hearing Officer determined that it was not in the public interest to place the entity submitting this sworn statement on

the convicted vendor list. (attach a copy of the final order).

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR THE PUBLIC ENTITY IDENTIFIED IN PARAGRAPH ONE (1) ABOVE IS FOR THAT PUBLIC ENTITY ONLY AND, THAT THIS FORM IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. I ALSO UNDERSTAND THAT I AM REQUIRED TO INFORM THE PUBLIC ENTITY PRIOR TO ENTERING INTO A CONTRACT IN EXCESS OF THE THRESHOLD AMOUNT PROVIDED IN SECTION 287.017, FLORIDA STATUTES, FOR THE CATEGORY TWO OF ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.

(SIGNATURE)

(DATE)

STATE OF _____

COUNTY OF _____

PERSONALLY APPEARED BEFORE ME, the undersigned authority _____ who, after first being sworn by me, (name of individual) affixed his/her signature in the space provided above of this _____ day of _____, 2010

NOTARY PUBLIC

My commission expires: _____

CALL FOR PROPOSALS

NOTICE is hereby given to prospective Proposers that sealed proposals will be received by the CITY OF KEY WEST by the office of the City Clerk, 525 Angela Street, Key West, Florida 33040, until P.M. for RFP# 010-10 Merchant Services.

Proposals will be opened in the office of the City Clerk then and there. Late Proposals will not be considered. SPECIFICATIONS AND DOCUMENTS may be obtained from DemandStar by Onvia at www.demandstar.com/supplier - or by calling 1.800.711.1712. One (1) original and four (4) copies of the proposal and one copy via compact disk or USB drive in PDF format are to be enclosed in two (2) sealed envelopes, one within the other, each clearly marked on the outside:

RFP #010-10 Merchant Services, addressed and delivered to:

CITY CLERK
CITY OF KEY WEST FLORIDA
CITY HALL, 525 ANGELA STREET
KEY WEST, FLORIDA 33040

At the time of the award, the successful Proposer must show satisfactory documentation of such State, County and City licenses as would be required. Any permit and/or license requirement and subsequent costs are located within the documents. The successful Proposer must also be able to satisfy the City Attorney as to such insurance coverage, and legal requirements as may be demanded by the proposal in question. The City may reject bids: (1) for budgetary reasons, (2) if the Proposer misstates or conceals a material fact in its proposal, (3) if the Proposer does not strictly conform to the law or is non-responsive to proposal requirements, (4) if the Proposal is conditional, or (5) if a change of circumstances occurs making the purpose of the Proposal unnecessary or (6) if such rejection is in the best interest of the City. The City may

also waive any minor informalities or irregularities in any bid.

SUE SNIDER, PURCHASING AGENT

Published _____

ADDENDUM NO. 1
RFP 002-11 – Merchant Services

To All Bidders:

The following questions and answers are hereby made a part of RFP 002-11 as fully as completely as if the same were fully set forth therein:

1) Question - Please provide detailed information on the CALE machines, does the city maintain the machines or are they managed by a third party.

1) Answer – The City maintains the pay stations in the field with phone and online technical support from CALE Parking USA. Two of our employees have been trained by CALE as technicians. We have an extended warranty contract with them that covers all parts. We pay for processing and software support. See attached for specifications.

2) Question - Regarding your request for convenience fee model is this for all of your transactions for point of sale or in the future for your online transactions. Please provide on what you are assessing the convenience fee for

2) Answer – Currently the City does not assess a convenience fee. The City would like the option to process all of its payments, both present and future, through a convenience fee model and a transaction fee model. The City envisions the use of both models for its credit card processing - a convenience fee model would not be practical for the automated pay stations or in the highly competitive marine fuel environment. However, it may be practical for over the counter payments in the revenue, building and other City departments. Currently the City absorbs all merchant charges. The migration to and implementation of a convenience fee model for certain payments will be at the sole discretion of the City Commission.

3) Question - Anti-Kickback Affidavit can this be limited to the person signing this as we need to make alteration to this document?

3) Answer – No, the City forms have been designed for a specific purpose any alteration of this format may result in the proposals being considered non-responsive.

4) Question -Sworn Statement on public entity crimes can this be alter to qualified to actual knowledge of the person signing this?

4) Answer - – No, the City forms have been designed for a specific purpose any alteration of this format may result in the proposals being considered non-responsive.

5) Question – Who is the current card processor?

5) Answer – First State Bank of the Florida Keys/Transfirst.

6) Question – Who hosts your online website? What payment gateway are they using? Is the site PCI compliant?

6) Answer – Currently the City does not take payments online.

7) Question – Is any cardholder data stored for any reason? If so, where is this data stored?

7) Answer - No, credit card data is destroyed.

8) Question – Is a convenience or additional fee of any type assessed to the credit card payments made via online payment website?

8) Answer - Currently the City does not take payments online.

9) Question – How are the credit card processing fee currently paid for ; direct bill, ACH debit, account analysis, etc?

9) Answer – ACH debit

10) Question – Is the “export file of approved transactions” provided by the website vendor or the credit card processor?

10) Answer - Currently the City does not take payments online.

11) Question – What is the total dollar amount of credit card transactions accepted last year?

11) Answer – For the 12 month period ending 11/30/10 it was \$8 million dollars.

12) Question – What is the average transaction amount of credit card payment?

12) Answer – For the 12 month period ending 11/30/10 it averaged \$153.00

13) Do you want to continue renting equipment or want a lease/purchase option?

13) Answer – Quote both.

14) Question – Can the City of Key West provide contact information for a representative at Click to Gov?

14) Answer – For information regarding this application you may contact Alison Osterberg, Project Coordinator - Client Services, SunGard Public Sector, at 407-304-3431

15) Question - Are there particular departments the City would like to access a convenience fee?

15) Answer – See answer 2) above.

16) Question - Could you please list which Authorization Networks Sungard (HTE) Software uses to process transactions, if known? (i.e. TSYS/Vital, Buypass, etc).

16) Answer - TSYS VitalNet

17) General – Additional Questions and Answers will be posted on Demand Star and the City's web site only and will not be e-mailed to perspective bidders.

All Proposers shall acknowledge receipt and acceptance of this Addendum No. 1 by acknowledging Addendum in their proposal or by submitting the addendum with the proposal package package. Proposals submitted without acknowledgement or without this Addendum may be considered non-responsive.

Signature

Name of Business

ADDENDUM NO. 2
RFP 002-11 – Merchant Services

To All Bidders:

The following questions and answers are hereby made a part of RFP 002-11 as fully as completely as if the same were fully set forth therein:

1. *Please provide the payment application that integrates with the City's CALE Point of Sale equipment?*

1. Gateway program is Merchant Connect Multi.

2. *Will the City be charging convenience fees through the Click to Gov application only?*

2. No, the City envisions the use of both models for its credit card processing - a convenience fee model would not be practical for the automated pay stations or in the highly competitive marine fuel environment. However, it may be practical for over the counter payments in the revenue, building and other City departments, in addition to an on-line payment processing environment such as Click to Gov. Currently the City absorbs all merchant charges. The migration to and implementation of a convenience fee model for certain payments will be at the sole discretion of the City Commission.

3. *Are the City's terminals leased through their existing processor or a Third Party? If leased through a third party, what is the City's intent for use of the existing terminals?*

3. The City intends to buy, lease or rent terminals from the merchant service provider selected in the RFP process.

4. *Can we request the City of Key West RFP#002-11 in Word format?*

4. The City's policy is not to provide word copies of its bid documents used in the RFP and BID process. This is done to prevent the manipulation of the contents whether intentional or through oversight.

5. *Would it be at all possible to get the RFP document in a word form?*

5. See 4 above

6. *On page 1, Opt. g. requests to include a 'Call for Proposal' document, could you please list an explanation of where this document is located/what exactly it is?*

6. It is page 29 of your RFP package it is the last page. It is simply the advertisement that was published in the local paper. This document is for informational purposes only.

7. I was wondering if I could get a copy of the statements or a summary of usage (statements would be preferred) from September '09 – March '10. I would request a longer time period, but the above dates are all that are referenced in the RFP.

7. See attached merchant statements.

8. Is a word form of the RFP available?

8. See 4 above.

9. Can you provide a list of certified payment gateways that are supported by the Cale parking system?

9. Current gateway program is Merchant Connect Multi – made by Tender Retail. Waiting for list from CALE.

10. Is the provider required to support Cale and Amano parking systems during the transition off of Amano if that is not completed before the May implementation timeline?

10. CALE only

11. Does the City bill for monthly parking or marina slip rental fees? Are these recurring and can the City estimate the average fee for each?

11. Yes. Yes the city bills for slip rentals and certain “upland” leases on a monthly basis. The monthly slip rental charges amount to approximately \$189,000 for a average bill of \$800 and the monthly lease charges amount to \$197,000 for a average bill of \$5,200.

12. Can the City provide a breakdown of the number and volume of monthly residential versus commercial utility payments?

Garbage		
	No. of accounts	Total charges
Residential	11600	\$ 338,670.50
Stormwater		
Residential	11503	\$ 93,343.62
Commercial	1110	\$ 100,245.00
Sewer		
Residential	10265	\$ 410,293.65
Commercial	1411	\$ 110,974.71

13. Does the City require notification of a chargeback before being debited by the merchant provider or can this occur in parallel?

13. Preferred method would be before.

14. The City is requesting pricing on check reader-imager equipment in Appendix 3 (Product Fees). Can you provide the transaction number and volume of checks currently accepted by the City (If available, by Department)?

14. The city does not employ this technology at this time. Pricing of this piece of equipment is optional at this time.

15. Would it be possible to receive word/excel versions of this RFP?

15. See 4 above.

16. Who is the City's current payment processing vendor?

16. First State Bank of the Florida Keys/Transfirst

17. What is the Payment Application used for the Amano pay stations currently in use?

17. N/A – Amano will be discontinued by implementation.

18. What is the Payment Application used for the CALE MP104 stations?

18. See number 1 above.

19. Would the City consider using a payment application other than Click to Gov for Online Transaction Processing?

19. Yes, the City is currently reviewing other public sector software. There is a distinct possibility that the City will be migrating to a new software vendor in the next 18 months. Therefore the City would consider using a separate payment application at this time, should the application proposed sufficiently serve the City's needs for payment processing.

20. Would the City consider integrating an alternate payment application into the Sungard (HTE) public sector software?

20. Yes based upon 19 response above.

21. May we request a copy of your latest statement?

21. See attached merchant statements.

22. Verify type of connection used for equipment. Dial Up or DSL

22. Dial Up

23. Provide 3 months of Merchant statements for each location.

23. See attached merchant statements.

24. In response to section M regarding your fees: BB&T will not invoice The City of Key West. However, The City of Key West will receive monthly statements with each locations fee. BB&T will debit the fees from their Direct Deposit Account (DDA). Will this accommodate the needs of The City of Key West?

24. Yes.

All Proposers shall acknowledge receipt and acceptance of this Addendum No. 1 by acknowledging Addendum in their proposal or by submitting the addendum with the proposal package package. Proposals submitted without acknowledgement or without this Addendum may be considered non-responsive.

Signature

Name of Business