



MONROE COUNTY WATER AUTHORITY

Request for Proposals

Third Party Payment Processing

August 21, 2024

Monroe County Water Authority
Finance & Business Services Department
475 Norris Drive
Rochester, New York 14610

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SECTION 1 – INVITATION TO PARTICIPATE

1.1 Introduction

The Monroe County Water Authority (the "Authority") would like to continue to offer its rate payers the opportunity to conduct business with the Authority utilizing ACH/Debit/Credit cards as a form of payment through online methods or by phone, and is seeking proposals from qualified third party payment processors (the "Proposer").

The Authority will perform its due diligence in ensuring the ACH/Debit/Credit card transactions are conducted in a secure, and cost-effective manner. Prospective Proposers must offer a proposal that will meet the services required and qualifications identified in this document.

In responding to the RFP, Proposers must follow the prescribed format as outlined in Section 2, including the proposed Convenience Fee requested in Section 1.5. By so doing, each Proposer will be providing the Authority with comparable data submitted by other Proposers and, thus, be assured of fair and objective treatment in the Authority's review and evaluation process.

1.2 Procurement Officer

The Procurement Officer identified below is the primary point of contact regarding this RFP from the date of issuance until the selection of the successful Proposer.

Alane Mammino
Monroe County Water Authority
475 Norris Drive
Rochester, New York 14610
Email: alane.mammino@mcwa.com

1.3 Presentation and Clarification of the Authority's Rights & Intentions

The Authority intends to enter into a contract with the selected Proposer to supply the information described in this RFP. However, this intent does not commit the Authority to award a contract to any responding Proposer, or to pay any costs incurred in the preparation of the proposal in response to this request, or to procure or contract for any services. The Authority reserves the right in its sole discretion to: (a) accept or reject in part or in its entirety any proposal received as a result of this RFP if it is in the best interest of the Authority to do so, and (b) award one or more contracts to one or more qualified Proposers if necessary to achieve the objectives of this RFP if it is in the best interest of the Authority to do so.

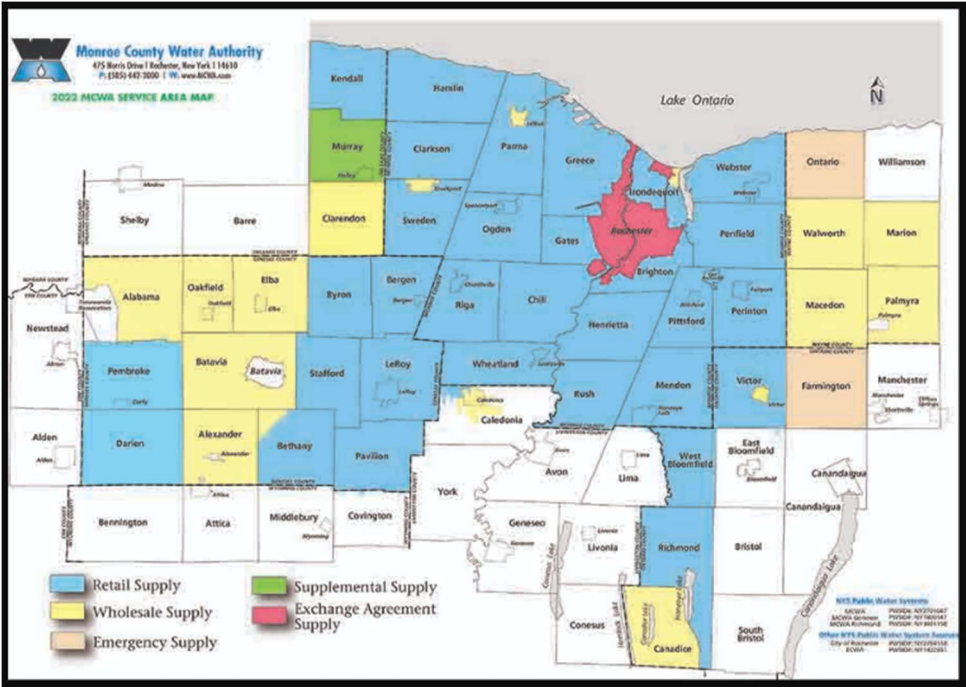
1.4 Tentative Schedule

| | |
|---------------------------|---|
| August 21, 2024 | RFP distributed; announced on the Authority website. |
| September 4, 2024 | Pre-proposal questions due to the Authority, in writing via email. |
| September 6, 2024 | Addenda issued with answers to Proposer’s questions (if necessary). |
| September 20, 2024 | Proposals due by 12:00 p.m. ET |
| October 10, 2024 | Estimated Award Date |

1.5 Overview of the Organization

The Authority provides a high quality, safe, and reliable water supply in a financially-responsible manner.

The Authority was created by State legislation in 1950 to solve the water supply needs of this community. In 1959, the Authority took over the assets of the private New York Water Service Corporation and had 27,000 retail customers, serving just portions of the County's inner ring towns and portions of the City of Rochester. As surrounding towns and villages faced new water supply challenges, the Authority service area has steadily grown. Today, the Authority serves over 190,000 customers in every town and village in Monroe County, plus towns, villages, and other water authorities in each of the five adjacent counties.



The Authority system infrastructure includes its main operations center, meter shop, three water treatment plants, 40 remote pumping stations, 53 tanks and 2 storage reservoirs, and over 3,300 miles of transmission and distribution water mains.

For additional information on the Authority, go to www.mcwa.com.

Background

Current Process – Bill Payment:

Customers currently have several options for paying water bills:

- A. Paying the bill by check sent to the Authority's lockbox.
- B. Initiating the payment of the bill via their bank account (electronic).
- C. Authorizing the Authority to ACH the amount from their bank account one week before the due date.
- D. Paying the bill in person with cash or check/money order at the main office via a drop box.
- E. Online/phone payments through a third party payment processor via credit card/debit card, ACH with an assessed transaction/convenience fee per occurrence.
- F. In 2023 the Authority received 197,556 payments via third party totaling approximately \$19 million. From January 2024 through July 2024 there were 126,240 items processed totaling approximately \$12.3 million.

In 2023 the average payment was \$98.97 received via our third party processor.

Additional information regarding our operations can be found on the Authority's website at www.mcwa.com.

1.6 Services Required – Third Party Payment Processing

The Authority is seeking a one-year contract with an option to renew the contract for an additional four one-year terms. The following services are desired:

- A. Scope of Services
 - 1. Proposer must be able to accept online and/or payments over the phone and must offer 24/7/365 support to customers who are experiencing difficulty.
 - 2. Adherence to Payment Card Industry ("PCI") standards is required. All customers' debit/credit card and/or bank information must be obtained and processed through

- the Proposer without imposing any PCI compliance responsibility on the Authority. Proposer shall include acknowledgement of responsibility for the security of this data.
3. The payment process must function with seamless navigation to and from the Authority's customer portal, including timely updates and notifications of any payments made and minimal sign-up and/or log-in steps for customers. Customers shall only have to log-in once when entering the customer portal without having to log-in again after transferring to the third-party site.
 4. A phone number must be provided for Authority customers to be able to pay over the phone through an Integrated Voice Response (IVR) system. Additionally, Authority representatives must be able to transfer customer calls to the IVR system for payment.
 5. Proposer shall accept ACH, VISA, MasterCard and Discover for all customers.
 6. The Authority does not currently have a kiosk on site. Proposals should include options for the Authority to possibly add at a future date a kiosk on site for processing walk in customer payments.
 7. Please indicate if it would be possible to accept one time, occasional online and/or phone payments for items other than water bills, such as new services and/or temporary hydrant meter sets. Further indicate how this process would work and what fee would be charged.
 8. Proposer shall send a daily transmission of all items processed to the Authority by 4:00 p.m. ET Monday through Friday. The daily transmission file should contain transactional data from 12:00am to 11:59pm.
 9. Proposer shall deposit funds into the Authority's account no later than the next business day. Funds deposited should equal the amount of the file sent to the Authority. All funds will be for gross settlement, and charging all discounts and interchange fees in a separate monthly bill.
 10. Discuss your firm's ability to perform online reconciliation and research transactions. Please describe your online portal to view real-time payments.
 11. Proposer shall transfer funds to the Authority's designated bank account.
 12. Please provide options for any credit card reoccurring payment and ACH/bank account reoccurring payment (autopay) programs available to the Authority.

B. Pricing

1. Convenience Fee

Although it is likely that the Authority will continue its current policy that the customer pays any convenience fees, please price as noted below indicating if there would be any price differential if the Authority paid the fee.

In your proposal, please indicate convenience fees using the table format shown below:

| Item | Convenience Fees | |
|--|----------------------------|-----------------------------|
| | Fee If Paid By Customer | Fee If Paid By Authority |
| ACH/Bank Account (1 time payment) | | |
| Debit/Credit Card (1 time payment) | | |
| Recurring Automatic Credit Card Payments | | |
| Recurring Automatic ACH/Bank Account Payments | | |

2. Kiosk

The Authority does not currently have a kiosk on site to accept customer payments, but is considering possibly adding one at a future date. Please include in proposal all options, including pricing, available to the Authority. This pricing should be separate from all other pricing items listed in the proposal.

C. Mandatory Minimum Qualifications

To be considered, the Proposer must meet all of the following minimum qualifications. Failure to do so will result in rejection of the proposal.

1. Proposer must be a qualified provider that has been providing payment services for at least five (5) years.
2. Proposer must provide current certification of compliance with all current Payment Card Industry (PCI) standards.
3. Proposer must be continually ADA compliant.

D. Preferred Qualifications

1. Within the last five (5) years, Proposers must have had a minimum of five public sector clients, preferably in the water utility industry or other public utility. Specifically third party credit card experience.
2. Proposer must provide its own work facilities, equipment, supplies, and support staff to perform the required services, and any call centers must be located within the continental United States.

E. Security Standards & Protocols

1. Utilize best practices in development regarding cyber security and the protection of customer account information per OWAP principals.
2. Discuss your disaster recovery service plans to ensure business continuity and minimum disruption to the Authority.
3. Proposer must adhere to the Authority's Customer Information Privacy Policy, which is attached as Appendix A to the RFP.
4. Furnish certification to the Authority that customer information will be secure.
5. Proposer will furnish evidence of cyber insurance in the event of any loss caused by a security breach of any data of the Authority's customers. If awarded the contract, Proposer will name the Authority specifically as an additional insured for an amount of not less than \$2,000,000.

F. Mandatory Technical Requirements

To be considered, the Proposer must meet all of the following technical requirements. Failure to do so will result in rejection of the proposal.

1. Files must be in a standard NACHA format and encrypted in transit.
2. The system must be able to run on Chrome, Edge, Firefox, Safari, or any other web browser with more than 5% market share. In addition, the system must allow customers to pay via smart phone or mobile device using responsive technology.
3. The system must be able to integrate with the Authority's third party applications, including but not limited to the MCWA web based customer portal through a

secure API or Web Service call to “pass through” associated MCWA customer account information for payment processing.

4. Payment provider must be easily de-coupled from the Authority’s third party applications upon contract termination with Proposer.
5. The “system” will be hosted by the proposer at a US Based Datacenter that has geographic redundancy and confirms to the latest security framework standards and compliance such as PCI-DSS, GDPR, FIPS 140-2, and NIST 800-171.
6. Integrated Voice Response (IVR): payments made over the phone should be encrypted and securely handled by the Proposer.
7. Start date for payment processing no later than February 13, 2025.

G. Other

It is mandatory that all personal data of customers utilizing the Authority's payment portal shall not be used for any business except for which is being conducted at that time and that our customers can be assured that all personal data will be held securely and will NOT be sold or used for any type of solicitation purposes by Proposer's firm or any other affiliated firm. Please provide assurances that data your firm comes in contact with will not be distributed or used by yourself or any other firm.

SECTION 2 – SPECIFIC PROPOSAL REQUIREMENTS

2.1 Submission of Proposer's Statement of Qualifications and Proposal

- A. Please provide one (1) original and six (6) copies of proposal.
- B. To be considered, Proposers must submit a complete response to this RFP/Q. Proposers not responding to all information requested, or indicating exceptions to those items not responded to, may be rejected. The Authority reserves the right to reject any or all proposals submitted. **Requests for extension of the submission date will not be granted.**
- C. All proposals must be submitted in a sealed envelope clearly labeled “RFP/Q – Third Party Payment Processing”. All proposals must be addressed to the Procurement Officer listed below and must be submitted via a delivery service, such as UPS or FedEx. Delivery service must also be instructed to “**Deliver to blue drop box located at Employee Entrance - Door 19**”. The Authority cannot accommodate deliveries requiring signatures to confirm

receipt. Proposers shall have sole responsibility to contact the Procurement Officer to confirm receipt of proposal. **Proposals hand delivered or submitted via US Postal Service will be returned unopened.**

Alane Mammino, Senior Cash Manager
Proposal – Third Party Payment Processing
Monroe County Water Authority
475 Norris Drive
Rochester, NY 14610

Deliver to blue drop box located at Employee Entrance - Door 19

- D. **Economy of Preparation:** Proposals should be prepared as simply as possible and provide a straightforward, concise description of the Proposer's capabilities to satisfy the requirements of the RFP. Expensive bindings, color displays, promotional material, etc., are neither necessary nor desired. Emphasis should be on accuracy, completeness, and clarity of content. All parts, pages, figures, and tables should be numbered and clearly labeled. Vague terms such as "Proposer complies" or "Proposer understands" should be avoided. **There is a maximum 50 page limit for the proposal.**

2.2 Clarification of RFP and Questions

Questions that arise prior to or during proposal preparation must be submitted **via email** by September 9, 2024. Questions and answers will be provided to all Proposers who have received RFP's and must be acknowledged in the RFP response.

As per NYS Finance Law, no contact will be allowed between the Proposer and any other member of the Authority regarding this RFP during the RFP process unless specifically authorized in writing by the RFP Procurement Officer. Prohibited contact may be grounds for Proposer disqualification.

2.3 Addenda to the RFP

In the event it becomes necessary to revise any part of this RFP, addenda will be provided to all that received the basic RFP. An acknowledgement of such addenda, if any, must be submitted with the RFP response.

2.4 Organization of Proposal

This section outlines the information that must be included in your Proposal. Please respond with your information in the same order as the items in the section.

- A. Letter of Transmittal

B. Table of Contents

C. Information about your Firm

Your proposal should contain information about your firm, including:

1. The name, title, e-mail address, and phone number of the individuals who would be available for contact, including after-hours assistance, and who would be responsible for the Authority's accounts. Brief resumes should be furnished for key professional staff assigned to the engagement.
2. Provide a brief summary of Proposer's prior experience with similar projects. Provide three references of public sector clients pursuant to Section 1.6 D 1 of this RFP.
3. Include a project Timeline, identify key milestones for implementation.
4. Include hourly cost of post-production support for programming changes.
5. Please submit, at a minimum, samples of the following reports with your proposal:
 - Monthly payment processing/invoice statement.
 - Samples of reports for Authority monitoring and reconciliation purposes.
 - Samples of reports and data the Authority can access online.
6. Indicate whether there are any pending or past legal actions against the firm.
7. **The enacted provision of New York State Finance Law §139-j and §139-k requires that the Bidder/Offerer Disclosure Form (attached) be completed and returned to the Authority with your proposal. If not completed and submitted, the Proposal will be automatically rejected.**
8. Describe your plans for educating and training Authority employees in the use of your systems.

2.5 Method of RFP Evaluation

RFP Evaluation and Selection Criteria: Selected personnel from the Authority will form the Evaluation Committee for this RFP. It will be the responsibility of this Committee to evaluate all properly prepared and submitted proposals for the RFP and make a recommendation for award. The Evaluation Committee will make its recommendations to the Authority's Audit Committee for final recommendation. The Evaluation Committee will consider the following factors, not necessarily in order of importance:

Proposals not meeting the mandatory requirements defined in the RFP will not be evaluated

Evaluation Criteria

- 1. Does Proposer meet mandatory minimum qualifications? Yes No
- 2. Does Proposer meet the mandatory technical requirements? Yes No
- 3. Did Proposer submit an executed Bidder/Offerer Disclosure Form in Accordance with NYS Finance Law §139-J and §139-K? Yes No

| Item | Score* | Weight |
|--|--------|------------|
| Scope of Services | | 25% |
| Preferred Qualifications | | 10% |
| Security | | 20% |
| Pricing | | 20% |
| Staff Qualifications and Experience | | 25% |

* Scoring 1-10 Points, 1 being lowest and 10 being highest.

Should the Authority be unable to negotiate a satisfactory contract with the selected firm, negotiations with that firm will be formally terminated. The Authority will then undertake negotiations with the second most qualified firm.

SECTION 3 – GENERAL INFORMATION FOR THE PROPOSER

3.1 Reservation of Rights

The Authority reserves the right to refuse any and all proposals, in part, or in their entirety, or select certain products from various Proposer proposals, or to waive any informality or defect in any proposal should it be deemed to be in the best interest of the Authority. The Authority is not committed, by virtue of this RFP, to award a contract or to procure or contract for services. The proposals submitted in response to this request become the property of the Authority. The award will be made to the firm whose proposal is deemed to be in the best interest of the Authority at the Authority's sole discretion.

3.2 Final Approval and Written Agreement

The successful firm will be required to enter into a written agreement with the Authority in a form approved by the Authority's legal counsel. The Authority reserves the right to negotiate the terms and conditions of the agreement with the selected firm. Proposers must be aware that any contract resulting from this RFP is subject to approval by the Authority's Board of Directors.

3.3 Proposal Period

All proposals must state the period for which the proposal shall remain in effect with a minimum of 120 days from the due date of the proposal.

3.4 Contract Payment

Actual terms of payment will be the result of agreements reached between the Authority and the Proposer selected.

3.5 Incurring Costs

The Authority is not liable for any costs incurred by the Proposer prior to the effective date of the contract.

3.6 Material Submitted

The Authority reserves the right to ownership, without limitation, of all materials submitted. However, because the Authority could be required to disclose documents received under the New York Freedom of Information Law, the Authority will, to the extent permitted by law, see to protect the Proposer's interest with respect to any trade secret information submitted as follows:

Pursuant to Public Officers Law §87, the Monroe County Water Authority will deny public access to Proposer's proposal to the extent the information constitutes a trade secret, which if disclosed, would cause substantial harm to the Proposer's competitive position, provided the Proposer identified the information it considers to be a trade secret and explains how disclosure would cause harm to the Proposer's competitive position.

In view of these obligations, it is incumbent upon the Proposer that the submittal indicate any specific material in the proposal that constitutes a trade secret and should be redacted. Proprietary information submitted in response to this RFP must be separately packaged, sealed, and clearly labeled "Proprietary". Financial data, trade secrets, test data, and similar proprietary information will, to the extent permitted by law, remain confidential provided such information is clearly marked by the Proposer.

3.7 Procurement Policy

Pursuant to State Finance Law §§139-j and 139-k, this Request for Qualifications includes and imposes certain restrictions on communications between a Governmental Entity (including the Authority) and Bidder/Offerer during the procurement process. A Bidder/Offerer is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval during the Authority's procurement process to other than the Authority's Procurement Officers unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law §139-j(3)(a).

The Authority's Procurement Officers for this Governmental Procurement as of the date hereof, are identified herein. Authority employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the Bidder/Offerer pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four (4) year period, the Bidder/Offerer is debarred from obtaining governmental Procurement Contracts. Further information about these requirements may be obtained from the Procurement Officers.

The Authority reserves the right to terminate this contract in the event it is found that the certification filed by the Bidder/Offerer in accordance with State Finance Law §139-k (5) was intentionally false or intentionally incomplete. Upon such finding, the Authority may exercise its termination right by providing written notification to the Bidder/Offerer in accordance with the written notice terms of this contract.

**BIDDER/OFFERER DISCLOSURE OF PRIOR NON-RESPONSIBILITY DETERMINATION & AFFIRMATION/CERTIFICATION
IN ACCORDANCE WITH NYS FINANCE LAW 139-J AND 139-K**

BACKGROUND

New York State Finance Law §139-k(5) requires that every Procurement Contract award subject to the provisions of State Finance Law §§139-k or 139-j shall contain a certification by the Offerer that all information provided to the procuring Governmental Entity with respect to State Finance Law §139-k is complete, true, and accurate.

INSTRUCTIONS

The Monroe County Water Authority must obtain the required certification that the information is complete, true, and accurate regarding any prior findings of non-responsibility, such as non-responsibility pursuant to State Finance Law §139-j. The Offerer must agree to the certification and provide it to the procuring Governmental Entity.

Name of Individual or Entity Seeking to Enter into the Procurement Contract:

Address _____

Name & Title of Person Submitting this Form: _____

Date: _____

1. In the previous four years, has any Governmental Entity made a finding of non-responsibility regarding the individual or entity seeking to enter into the Procurement Contract?

No Yes

If yes, answer the next questions.

2. Was the basis for the finding of non-responsibility due to a violation of State Finance Law 139-j?

No Yes

3. Was the basis for the finding of non-responsibility due to the intentional provision of false or incomplete information to a Governmental Entity?

No Yes

4. If you answered YES to any of the above questions, provide details regarding the finding of non-responsibility below.

Governmental Entity: _____

Date of Finding of Non-Responsibility: _____

Basis of Finding of Non-Responsibility: _____

(Add additional pages as necessary.)

5. Has any Governmental Entity or other governmental agency terminated or withheld a Procurement Contract with the above-named individual or entity due to the intentional provision of false or incomplete information?

No Yes

6. If yes, provide details below:

Governmental Entity: _____

Date of Termination or Withholding: _____

Basis of Termination or Withholding: _____

(Add additional pages as necessary.)

By signing below, Bidder/Offerer affirms that he/she understands and agrees to comply with the Monroe County Water Authority's Procurement Disclosure Policy, Code of Ethics Policy, and Conflict of Interest Policy as required by State Finance Law 139-J(3) and 139-j(6)(2) and certifies that all information provided to the Water Authority with respect to State Finance Law 139-j and 139-k is complete, true, and accurate.

By: _____ Date: _____
(Signature of Person Certifying)

Print Name: _____

Print Title: _____

Bidder/Offerer Name: _____
(Company Name)

Bidder/Offerer Address: _____

Email: _____ Phone: _____

Appendix A

MONROE COUNTY WATER AUTHORITY CUSTOMER INFORMATION PRIVACY POLICY

| | | |
|---|---|-----------------------------------|
| Document ID MCWA235 | Document Title Customer Information Privacy Policy | Date Printed |
| Revision 1 | Authored By Coyne, Tammy (Assistant Credit Manager) Hendrickson, Diane (Personnel Director) | Date Created 1/30/2017 |
| Effective Date 2/14/2017 | Reviewed By Eisenmann, Kathleen (Secretary to the Authority) Hendrickson, Diane (Personnel Director) | Date Reviewed 2/10/2017 |
| Last Viewed 7/24/2019 9:12 AM | Approved By Benshoff, Ray (Executive Director of Operations) Metzger, Richard (Executive Engineer) Noce, Nick (Executive Director) Prestidge, Kathy (Director of Finance & Business Services) Savage, Steve (Director of Engineering) | Date Approved 2/13/2017 |

| | |
|-----------------|--|
| Purpose: | The purpose of this Policy is to provide a general statement regarding the handling of customer information by the Monroe County Water Authority (the "Authority"). The Authority is dedicated to protecting its customers' privacy. |
| Scope: | This policy applies to all members, officers and employees of the Water Authority. |
| Policy: | <p style="text-align: center;">Collection of Customer Information</p> <p>The Authority may collect, maintain, and use personally identifiable information from customers, such as name, address, telephone number, e-mail address, account number and customer code, billing information, and checking account number.</p> <p>The Authority collects and uses personal information to fulfill its duties, operate its website, and deliver services requested.</p> <p>It is important to the Authority that the collection of personal information be minimal, to the extent possible and practicable. When personal information is required, however, the Authority will explicitly ask for it.</p> <p>The voluntary disclosure of personal information to the Authority by a customer, whether solicited or unsolicited, constitutes consent to the collection of the information by the Authority for the purposes for which the customer disclosed the information to the Authority, as was reasonably ascertainable from the nature and terms of the disclosure.</p> |

Disclosure of Personal Information

The Authority may disclose personal information without customer consent if the collection or disclosure is (1) necessary to perform the statutory duties of the Authority; (2) made pursuant to a court order, subpoena, search warrant, or required by law; (3) for the purpose of validating the identity of the customer; or (4) of information to be used solely for statistical purposes that is in a form that cannot be used to identify any particular person.

Further, information, including personal information, collected is subject to disclosure pursuant to the Freedom of Information Law. The Authority may disclose or limit the disclosure of any record or personal information under the Freedom of Information Law in its sole discretion, without the request or consent of the affected individual.

The Authority may disclose personal information to federal or state law enforcement authorities to enforce the Authority's rights against unauthorized access or attempted unauthorized access to the Authority's information technology assets or against other inappropriate uses of customer information.

The Authority shall not disclose to the public or otherwise make available to the public in any manner an individual's social security account number or confidential account information unless compelled by law.

References: Board Resolution: #16-044(Adopted)