

**American Express® Card Acceptance
(Statewide)
Group 79008 – Award 23234**

HOW TO USE THIS CONTRACT

Authorized Users for this contract are strongly encouraged to read the contract terms and conditions to gain an understanding of requirements for both the Contractor and Users. Below is a brief listing of Questions & Answers (Q&A's) to facilitate the use of this contract.

Question: Who is the OGS contact for this Contract Award?

Answer: Electronic Value Transfer Administrator, Marybeth Buhmaster
Procurement Services, 38th Floor - Corning Tower,
Empire State Plaza, Albany, NY 12242
Phone: 518-486-2002
E-mail: ogs.sm.ps_SW_EVTA@ogs.ny.gov

Question: Where do I find Contractor information?

Answer: Contractor Information is on the OGS website landing page for this award and can be accessed through the "Contractor Information" link. Contractor Information includes but is not limited to: Contractor Name and Address, Contract Number, Contractor Business Hours, Procurement Card specifics, and Pricing.

Question: What is the PS Contract Number?

Answer: The contract number is PS69501.

Question: How does an Authorized User start the approval process needed to utilize the credit card acceptance service on Contract PS69501?

Answer: Entities seeking to implement American Express Credit Acceptance services shall obtain prior approval from OGS Procurement Services by using the *Program Plan Application* form (*Appendix F*).

NYS Authorized Users interested in accepting *American Express* branded cards should read and become familiar with *Appendix E - Merchant Regulations*. You may find the *Program Plan Application* on the OGS website landing page, or you may use the same application form used against the OGS statewide contract for *Payment Processing Services (Award 23111)* (Visa/MasterCard/Discover transactions).

Question: How do I go about obtaining OGS Procurement Services approval to utilize the American Express credit acceptance services available on Contract?

Answer: *American Express Travel Related Services Company, Inc.* shall not provide card acceptance service(s) to Authorized Users unless the Authorized User has received prior approval from OGS Procurement Services (*Program Plan Application, Appendix F*).

Authorized Users seeking to utilize credit card acceptance services through American Express shall obtain approval from OGS Procurement Services by using the *Program Plan Application* form.

All Authorized Users are required to submit a new *Program Plan Application* for each payment program within their organization they wish to accept payments for. For State agencies, the selected payment method, and the approval of the Program Plan Application form will be subject to the approval of the Division of Budget (DOB) and OGS Procurement Services. OGS Procurement Services is responsible for obtaining DOB approval on your behalf.

Question: What is the next step to installing services after my *Program Plan Application* has been approved by OGS Procurement Services?

Answer: Any subsequent use of the Contract for all Authorized Users shall be approved in accordance with the Program Plan Application Form, and by utilizing the Contractor's *Work Order Form (Appendix G)*. Authorized Users must provide a copy of the completed *Work Order Form* to OGS Procurement Services at ogs.sm.ps_SW_EVTA@ogs.ny.gov and obtain written approval from OGS Procurement Services.

The Contractor may not provide billable services to the payment program requesting to utilize the credit card acceptance service, nor may credit acceptance services be installed or implemented by the Contractor without OGS Procurement Services written approval of the *Work Order Form*. Each payment program within the organization must obtain an approved OGS Procurement Services *Work Order Form* specific to the payment program.

The OGS signed and approved *Work Order Form* must be retained in the Authorized User's Procurement Record as proof of OGS' approval, and may be required by the Business Services Center (BSC) or OSC during PO processing (i.e., in SFS), or post auditing of the purchase. Authorized Users using SFS to pay invoices are asked to upload a copy of the OGS Procurement Services signed/approved *Work Order Form* as supporting documentation to the REQ created in SFS.

Question: Can a Contractor include additional terms and conditions in the Authorized User agreement?

Answer: Additional or alternative terms and conditions, in the discretion of the Authorized User, may be allowed as part of an Authorized User Agreement the payment program enters into with the Contractor, providing the following conditions are met:

- a. The Contractor identifies where such additional or alternative terms and conditions may apply; and
- b. The Authorized User determines that the inclusion of such additional or alternative terms and conditions results in a transaction which is, on an overall basis, more favorable to the Authorized User than if the transaction did not include such additional or alternative terms and conditions; and
- c. The Authorized User accepts such additional or alternative terms and conditions.

Notwithstanding the above, no additional or alternative term or condition shall be valid or binding on the Authorized User to the extent that such additional or alternative term or condition is less favorable to the Authorized User than, or conflicts with, any of the following provisions: All provisions of Appendix A (Standard Clauses for New York State Contracts), and Appendices B – I.

Question: Can Local Governments use this Contract?

Answer: Yes. This is a Centralized Contract and therefore, it is available for use by any Authorized User as that term is defined in *State Finance Law Section 163(1)(k)*, including, but not limited to: New York State Agencies, political subdivisions, local governments, public authorities, public school and fire districts, public and nonprofit libraries, and certain other nonpublic/nonprofit organizations.

All Authorized Users wishing to use services against this contract must obtain written approval from OGS Procurement Services through the *Program Plan Application* and *Work Order Form* approval process. Any American Express *Work Order Form*, regardless of whether completed by a State agency or a Non-state agency, that incorporates unique terms or conditions not provided for in the Agreement shall be reviewed and approved in writing by the Contractor and OGS Procurement Services prior to its commencement of the services.

Question: Are there M/WBE Goals for this Contract Award? Answer:

No, there are no goals applied to this Contract Award.

Question: Are there SDVOB Goals for this Contract Award?

Answer: No, there are no goals applied to this Contract Award.

Question: What is the contract term of this Award?

Answer: November 16, 2021 - November 15, 2026.