



County of Collier
CLERK OF THE CIRCUIT COURT
COLLIER COUNTY COURTHOUSE

3315 TAMAMI TRL E STE 102
NAPLES, FL 34112-5324

Dwight E. Brock - Clerk of Circuit Court

P.O. BOX 413044
NAPLES, FL 34101-3044

Clerk of Courts • Comptroller • Auditor • Custodian of County Funds

December 15, 2017

TO: Interested Proposers/Distribution List
RFP 2018-001 Electronic Payment Processing Services

The Clerk of the Circuit Court of Collier County, Florida is seeking proposals for the above-referenced RFP 2018-001. Enclosed is the proposal packet to be completed.

Sealed proposals must be submitted to the Clerk's Office before 2 P.M. EST on January 17, 2018. Any questions or requests for more information regarding this proposal should be addressed to Sue Barbiretti, Executive Assistant to the Clerk, at 239/252-7116.

Please direct sealed proposals to:

Theresa Martino, Purchasing Specialist
Office of the Clerk of the Circuit Court, Collier County
3315 Tamiami Trail East, Suite #102
Naples, Florida 34112-5324

Please note that sealed proposals must be received before 2 P.M. EST, January 17, 2018.

Sincerely,

Theresa Martino
Purchasing Specialist

Enclosures

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Clerk of the Circuit Court of Collier County in the Administration Office on the 2nd Floor of the Collier County Courthouse Annex located at 3315 Tamiami Trail East, Suite # 102, Naples, Florida 34112-5324 until 2:00 P.M. EST on January 17, 2018 for:

RFP 2018-001 Electronic Payment Processing Services

A copy of the purchasing policy, proposal instructions, specifications, exhibits and samples for this proposal may be obtained from Theresa Martino, Purchasing Specialist for the Clerk of the Circuit Court of Collier County.

All proposals shall be made on the official Proposal Response Forms attached to the specifications. Forms may be obtained by bona fide proposers from:

- The Office of the Clerk of the Circuit Court
- DemandStar - www.demandstar.com
- The Clerk of the Circuit Court's website www.collierclerk.com

Any questions regarding this proposal shall be directed to Sue Barbiretti, Clerk's Executive Assistant for the Office of the Clerk of the Circuit Court, at Sue.Barbiretti@collierclerk.com.

The Clerk of the Circuit Court of Collier County does not discriminate based on age, race, color, sex, religion, national origin or disability.

Proposals will be opened publicly at 2:00 P.M. EST, January 17, 2018 in the Collier County Clerk of the Circuit Court's Administration Office on the 2nd Floor of the Collier County Courthouse Annex located at 3315 Tamiami Trail East, Suite 102, Naples, Florida 34112-5324.

DWIGHT E. BROCK
CLERK OF THE CIRCUIT COURT
COLLIER COUNTY, FLORIDA

BY: Theresa Martino
Purchasing Specialist

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I. Introduction

A. Objective

The Clerk of the Circuit Court and Comptroller (Clerk) is an elected office established by the Florida Constitution of 1838. The duties of the office are provided for by the Constitution, by act of the Florida Legislature and by order of the Court. One of the duties of the office is the collection of fines, fees and other payments. Currently, court payments for traffic citations and criminal fines can be paid online via debit and credit cards while recording fees can be paid online using ACH transactions. Other current methods of payment include: Face to face/counter payments by cash, check, or money order; Mail payments by cash or check; and bank wire payments typically for transactions requiring guaranteed funds.

The Clerk wishes to expand its payment services to:

- 1) Accept debit and credit card payments online for all fines and services
- 2) Add the ability to accept over the counter payments for all fines and services
- 3) Explore the possibility of utilizing a call center service to assist customers with basic inquiries and payments
- 4) Accept Automated Clearing House (ACH) payments.
- 5) Incorporate electronic payment services as seamlessly as possible into the Clerk's existing software applications
- 6) Minimize the Clerk's exposure to PCI compliance standards.

The payment processing, programs and services contemplated by this Request for Proposal (RFP) will be contracted for five (5) years with three (3) optional one (1) year renewals.

This Request for Proposal is intended to identify the service provider best qualified to meet the payment processing and customer service goals of the Clerk. These goals are enumerated below:

- Maximum accountability and minimum risk
- High level of Customer service
- Lowest cost to the taxpayer
- Maximizing availability of funds processed
- Minimize scope of PCI compliance requirements for e-commerce transactions in order to be validated with PCI-DSS SAQ-A, or SAQ-A-EP
- Minimize scope of PCI compliance for over the counter POI devices in order to be validated by PCI-DSS SAQ-P2PE

B. Instructions

1. Sealed Proposals

All responses to this RFP shall be received no later than Wednesday, January 17, 2018 by 2:00 P.M. EST, clearly identified as follows:

Collier County Clerk of the Circuit Court

RFP 2018-001 Electronic Payment Processing Services

Mail or deliver to:

Theresa Martino, Purchasing Specialist
Office of the Clerk of the Circuit Court, Collier County
3315 Tamiami Trail East, Suite 102
Naples, Florida 34112-5324

2. Written Responses (Technical and Pricing)

All respondents submitting a proposal are required to adhere to the following:

- a. Proposals must use letterhead bearing the company's name and be signed by an officer of the firm.
- b. Proposals must provide a complete listing of contact personnel and phone numbers including the following areas:
 - Customer service
 - Technology Implementation & Conversion
 - Payment Card Industry (PCI) compliance
 - Merchant services processing
- c. Proposals must include the following completed exhibits and information using the provided Proposal Response Forms within this RFP:
 - Exhibit A – Letter of Intent
 - Exhibit B – Proposal Exception Form
 - Exhibit C – Sworn Statement on Public Entity Crimes
 - Exhibit D - Last two PCI compliance report filings and audited financial statements.
- d. Responses must be submitted in electronic format (e.g. PDF, MSWord, etc.) on CD/DVD/USB. A minimum of six (6) physical media are required to facilitate distribution for evaluation.

3. Schedule

The following time schedule regarding this Request for Proposal shall be observed:

- a. December 15, 2017 – Post Public Notice of Request for Proposal.

- b. January 17, 2018 - The Clerk's Office will begin evaluating each proposal. The top ranked respondents may be invited to make oral presentations January 29 through February 2, 2018.
- c. February 9, 2018 - the Clerk's Office will post notification of the award, as well as complete rankings on the Clerk's Website, www.collierclerk.com.
- d. The Clerk's Office will adhere to this schedule as closely as possible. The Clerk reserves the right to modify the schedule when he deems to be in the best interest of the Clerk's Office. In the event of changes in the schedule all parties will be notified in writing.

4. Evaluation and Criteria

The Clerk's office will evaluate all proposals and select the best provider. This determination will be made at the sole discretion of the Clerk after evaluating the price and other technical criteria. In addition, the determination or the criteria and process by which proposals are evaluated, the decision as to who shall receive the contract award, or whether or not an award shall ever be made as a result of this request, shall be at the sole discretion of the Clerk. **The decision of the Clerk is final.**

Responsiveness to RFP – 10 points maximum

- Conformance with and applicability of information to RFP requirements
- Quality and scope of the proposal
- Reasonableness and clarity of cost estimate

Qualifications and experience – 20 points maximum

- Respondent's structure, experience and capacity
- The respondent's experience with similar governmental units, particularly in Florida
- Respondent's total staff size and composition
- Commitment to provide continuity of qualified staff
- Staffing structure and qualifications of assigned staff
- Reference checks

Understanding the Clerk's Needs – 10 points maximum

- Degree of dedicated and priority attention by assigned personnel
- Respondent's ability to provide adequate and convenient services
- Management's involvement and commitment to forward direction and periodic review of services

Cost of Services – 20 points

- Cost structure (up-front costs and recurring costs)
- Risk of loss

Technical Solutions – 40 points

- Security
- Ease of integration with existing technology applications
- Minimize manual efforts for repetitive processes
- Minimize PCI compliance exposure
- Problem resolution processes

5. Terms and Conditions

All proposals must acknowledge if the proposer can comply with each of the following terms and conditions:

- a. The Clerk reserves the right to reject any or all proposals, waive any irregularities or formalities in any proposal or in the proposal proceedings which, in his opinion, are in the best interest of the County. The contract will be awarded to the vendor whose proposal, in the opinion of the Clerk, is the best taking into consideration all aspects of the proposer's response, including total cost. The winning proposal, and this RFP, shall become integral parts of the contract.
- b. The proposer understands that time is of the essence. If a fully executed contract is not received within fifteen business days of initial award, the Clerk will notify the proposer of his intent to award the contract to the next most qualified institution. **The Clerk assumes no cost to any of the proposer's in preparation of their response to this RFP.**
- c. The successful proposer must have a structure that is compatible with the Clerk's current case management and cashiering software.
- d. Upon being notified, the proposer awarded the contract will be requested by the Clerk to attend a conference in order to exchange information and determine implementation and conversion details. During the term of the contract relevant firm personnel shall attend, in person or by conference call, meetings as deemed necessary.
- e. The successful proposer must guarantee to the Clerk's Agency 100% of all fees processed by debit or credit card, regardless of chargeback issues.
- f. The contract may be terminated by the winning proposer upon providing written notice to the Clerk of the Circuit Court no less than 180 days prior to the effective date of such termination. The Clerk may terminate the agreement with the financial institution upon 30 days' written notice prior to the effective date of the termination. **Under no circumstances will any damages be paid by the Clerk as a result of the termination of this contract and its related services.**
- g. The agreement shall be for an initial period of five (5) years and may be extended for an additional three (3), one (1) year periods by mutual agreement between the Clerk and the awarded institution. **Continuation of the contract beyond the initial term is the Clerk's prerogative and not a right of the successful proposer.**

- h. The awarded institution agrees to maintain the proposed fee structure for the full term of this agreement, including extensions.
- i. The qualified financial institution must submit one copy of their audited financial statements for each of the last two fiscal years and last two reports documenting PCI compliance.
- j. Proposals will be on file in the Office of the Clerk of the Circuit Court as outlined in Florida Statutes, Chapter 119 regarding Public Records. **All contract information becomes subject to Florida Public Records law, Florida Statutes, Chapter 119.**
- k. Submit notarized sworn statement under Florida Statutes Chapter 287.133 on Public Entity Crimes, Exhibit D, "Sworn Statement on Public Entity Crimes".
- l. The Clerk's Office prefers that the services listed herein be provided by a vendor, however, the Clerk reserves the right to separate specific services and award to more than one institution should that be found to be in the best interest of the taxpayers of Collier County.
- m. The awarded contract must contain the following statement, in substantially the same form and in at least 14-point boldface type:

IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT:

Marni M. Scuderi, Esquire

Staff Attorney & Public Records Coordinator

for the Collier County Clerk of Courts

3315 Tamiami Trail East, Suite 102

Naples, Florida 34112-5324

(239) 252-2725

Marni.Scuderi@collierclerk.com

- n. The awarded contract shall not be assigned without the express written approval of the Clerk of the Circuit Court. In addition, the contract shall not be transferred, by merger or acquisition, in whole or in part without providing 60 days' notice to the Clerk's Office. **The vendor will absorb all costs of conversion resulting from transfer, sale or merger.**
- o. If, following the announcement of the award of the contract from this request, an unsuccessful proposer wishes to challenge that award; they must do so in writing, within two (2) business days following the award announcement. The unsuccessful proposer in their protest must enumerate those parts of the proposal and evaluation process they consider flawed or unfair, and why. Please refer to the Clerk's Purchasing Policy, available on the Clerk's website, for further information.

6. Questions and Additional Information

Requests for clarification or additional information shall be made in writing to:

Sue Barbiretti, Executive Assistant to the Clerk
C/O Clerk's Administration
3315 Tamiami Trail East, Suite #102
Naples, Florida 34112-5324
E-mail @ Sue.Barbiretti@collierclerk.com

Responses to requests will be furnished to all potential proposers through posting to the Clerk's website, www.collierclerk.com. Cutoff date to receive requests in writing will be Wednesday, January 10, 2018. **Requests received after this date will not be answered.**

II. Current Context of Use

In accordance with law, one of the duties of the Clerk's office is the collection of fines, fees and other payments. The Clerk operates 1 main office and 4 branch offices.

Currently, electronic payment processing with limited PCI scope, validated as SAQ-A-EP, is used for all court payments and is closely integrated in the Clerk's court records management system, Showcase (Provider: CourtView Justice Solutions). Payments update the Clerk's local databases in real-time.

Customers may establish an escrow account with the Clerk and fund the account with ACH transactions. Accounts are typically used to pay for recording fees in the Official Records department. Individual ACH transactions are authorized by the customer and initiated by the Clerk's recording records management system, COR (Provider: Nuvivus LLC). Payments update the Clerk's local databases in real-time.

Over the counter payments must be cash, check, or money order. Cards are not currently accepted at the counters.

Bank wire transactions are accepted on a limited basis typically for large transactions which require guaranteed funds. Transactions are manually posted by the Clerk's accounting staff.

In addition, the Clerk maintains a call center which requires the employment of six (6) full time equivalent positions tasked with answering questions related to the functions of the office. Payments are not accepted by the call center.

Other applications such as the Clerk's Value Adjustment Board management system, AXIA (Provider: Pioneer Technologies) have built-in functionality to accept electronic card payments but are not currently in use. The Clerk hopes to expand these services in the future.

III. Scope of Services

On-line payments:

- Provide services that permit the on-line payment of fines, fees and payments with a credit card, debit card or electronic check. Services must be constructed to allow for integration into the Clerk's existing software applications (e.g. Showcase, COR, AXIA, etc.) such that the Clerk's local databases may be updated in real-time.
- Minimize the scope of the PCI-DSS so e-commerce transactions may be validated by SAQ-A or SAQ-A-EP.

Counter Payments:

- This Project also involves the processing and maintenance of over the counter payments. Provide a system that permits citizens to pay fines, fees and other court payments over the counter at all Clerk locations with a credit card, debit card or electronic check.
- Solutions must be able to be fully integrated with the Clerk's existing electronic applications to allow for real-time updates of the Clerk's databases and should minimize the manual effort for Clerk's cashiers.
- Provide a system that is a PCI-DSS council listed P2PE solution.
- Reduce the scope of the PCI-DSS for over the counter POI transactions to be validated by SAQ-P2PE.
- Provide a system where the Clerk has no access to data within POI or decryption environment.
- Provide a system where all cryptographic operations are managed by the Service Provider.

ACH Transactions:

- This Project also involves the processing of ACH/EFT transactions. Provide a system that may be fully integrated with the Clerk's existing electronic applications (specifically COR in the Official Records department) to permit the Clerk to process ACH/EFT transactions.

Call Center:

- Provide a toll free customer service center to assist customers with basic questions regarding their court cases and accounts and accept voice payments.

General & Financial:

- Deposit payments into a custodial account with transfer of funds to Clerk's bank account daily.
- Funds transfers must be accompanied by a reconciliation detailing individual transactions and summary totals.
- Provide a toll free customer service function to ensure that the public utilizing the service will have a satisfactory experience and not require the technological assistance of Clerk's personnel.
- Services available to assist Clerk personnel in the efficient reconciliation of system discrepancies and inquiries as may be needed.

IV. Summary

Vendors intending to submit a proposal should complete Exhibit A, "Letter of Intent" and return it to the Clerk as soon as possible following the receipt of the RFP, in order that any changes and clarifications made subsequent to distribution may be communicated to the contact person indicated on said form.

Due care and diligence has been exercised in the preparation of this Request for Proposal, and all information contained herein is believed to be substantially correct. However, the responsibility for determining the full extent of the services required and the administrative responsibilities involved rest solely with those making proposals. Neither the Office of the Clerk of the Circuit Court nor its representatives shall be responsible for any error or omission in this request, nor for the failure on the part of the proposer to determine the full extent of the exposure.

**RFP 2018-001
Electronic Payment Processing Services
PROPOSAL FORM**

The undersigned, as proposer, hereby declares that he has examined the specifications and informed himself fully in regard to all conditions. The proposer further declares that the only persons, company or parties interested in this proposal or the contract to be entered into as principals are named herein and that this proposal is made without connection with any other person, company or companies submitting a bid or proposal and it is in all respects fair and in good faith, without collusion or fraud.

The proposer proposes and agrees, if this proposal is accepted, to contract with the Clerk of the Circuit Court and furnish in complete accordance with the attached specifications, according to the following unit prices included in herein response to RFP 2018-001 Electronic Payment Processing Services.

Proposal Submitted By: _____

Address: _____

Telephone: _____

This proposal contains all the information requested in the Request for Proposal, including the following Exhibits and information:

- _____ **Exhibit A – Letter of Intent**
- _____ **Exhibit B – Proposal Exception Form**
- _____ **Exhibit C – Sworn Statement on Public Entity Crimes**
- _____ **Exhibit D – PCI Compliance Reports/audits for the previous two (2) years**

Signature of Authorized Individual

Typed Name

Title

Date

EXHIBIT A

**RFP 2018-001
Electronic Payment Processing Services**

Letter of Intent

_____ intends to respond to the Request for Proposal for Electronic Payment Processing Services by the Collier County Clerk of the Circuit Court. We understand that any changes, clarifications and addenda to the Request for Proposal will be promptly communicated to the individual authorized below to receive this information.

Name

Financial Institution

Address

Telephone Number

FAX Number

E-mail Address

Please fax this form:

"Attention: Theresa Martino" at 239/252-8838

EXHIBIT B
RFP 2018-001
Electronic Payment Processing Services
PROPOSAL EXCEPTION FORM

OUR FIRM CAN COMPLY WITH ALL ASPECTS OF THE CLERK'S REQUIREMENTS.

_____ **YES** _____ **NO** If no, detail below.

EXCEPTIONS to the requirements in this Request for Proposal:

Page: _____

Paragraph or Item Number: _____

Exception/Deviation: _____

Describe: _____

Page: _____

Paragraph or Item Number: _____

Exception/Deviation: _____

Describe: _____

Page: _____

Paragraph or Item Number: _____

Exception/Deviation: _____

Describe: _____

EXHIBIT C

**SWORN STATEMENT UNDER SECTION 287.133 (3)(a),
FLORIDA STATUTES, ON PUBLIC ENTITY CRIMES**

THIS FORM MUST BE SIGNED IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICER AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement is submitted with Bid, Proposal or Contract No. _____ For _____

2. This sworn statement is submitted by _____
(Name of entity submitting sworn statement)
whose business address is: _____

(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: _____.)

3. My name is _____ and my relationship to the entity named
(please print name of individual signing)

above is _____.

4. 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 or any other state or of the United States and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.

5. I understand that "convicted" or "conviction" as defined in Paragraph 287.133(1)(b), **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 or information after July 1, 1989, as a result of jury verdict, non-jury trial, or entry of a plea of guilty or nolo contendere.

6. I understand that an "affiliate" as defined in Paragraph 287.133(1)(a), **Florida Statutes**, means:

a. A predecessor or successor of a person convicted of a public entity crime;

or

b. An entity under the control any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliated" 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 or 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.

- c. 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 or of the United States with the legal power to enter into 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.
- d. Based on information and belief the statement that 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, nor any officers, directors, executives, partners, shareholders, employees, members, or agents who are active in management of the entity, nor any affiliate of the entity have been charged with and convicted of a public entity crime subsequent to July 1, 1989.

_____ The entity submitting this sworn statement, or one of the officers, directors, executives, partners, shareholders, employees, members, or agents who are active in management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 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 1, 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 the 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 PARAGRAPHS 1-3 (ONE THRU THREE) ABOVE IS FOR THAT PUBLIC ENTITY ONLY AND, THAT HIS 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 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, affixed his/her signature in the space provided on this ____ day of _____, 20__.

NOTARY PUBLIC

Commission number: _____

Commission expires: _____

EXHIBIT D

**SUBMIT YOUR LAST TWO (2) PCI COMPLIANCE REPORT FILINGS AND FINANCIAL
AUDITS**