NOTICE OF INTENDED DECISION
TO ENTER INTO A SINGLE SOURCE CONTRACT
(PUR 7778)

This notice of intended decision to enter into a single source contract is posted in accordance with section 287.057(3) (c), Florida Statutes.

AGENCY: Department of Financial Services

TITLE: Bank of America, N.A. Electronic Services

Short description of the commodity or service desired:

CONTACT
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Internal tracking number, if any:
DMS Single Source number, if applicable: DFS TR SS 15/16-07

Date posted: 12/1/2015
Posted: 12/4/2015

Commodity or Service Required (commodity class and group, manufacturer, model, and description, as appropriate): 84121500 Banking Institutions

Requestor (division, bureau, office, individual, as appropriate):
Andrea Hoffman, Contract Manager
Department of Financial Services
Division of Treasury
Bureau of Funds Management

Performance and/or Design Requirements (intended use, function or application, compatibility etc. requirements; reference to policy, rule, statute or other act of the Legislature, etc., as appropriate):

Per section 215.322 F.S., the Legislature encourage state agencies, the judicial branch and units of local government to make their goods, services, and information more convenient to the public through the acceptance of payments by credit cards, charge cards, debit cards, or any other means of electronic funds transfer.

This amendment will allow for the continuation of ACH services currently provided under the ePayments contract, but referenced in a different Treasury contract due to expire.

Intended source (vendor, contractor):
Bank of America, North America

Price: $28,675.55/ Monthly

Justification for single source acquisition (what is necessary and unique about the product, service or source; steps taken to confirm unavailability of competition, as appropriate)

The following explanation documents the decision of the Florida Department of Financial Services (the Department) to amend its contract with Bank of America, N.A., and Banc of America Merchant Services which provides banking services for the electronic processing of payments of taxes and
fees received by the state of Florida. This contract will hereinafter be referred to as “the Electronic Payments Contract.” Because the amendment will result in a cost increase in excess of $35,000, the amendment must be accomplished through the single-source exception to the general requirement for competitive solicitation. Section 287.057(3) (c), Florida Statutes, provides, “Commodities or contractual services available only from a single source may be accepted from the competitive-solicitation requirements…” One aspect of the Electronic Payments Contract is the electronic processing of checks received by the state agencies. A provision within the Electronic Payments Contract requires the funds resulting from the processing of these electronic checks be deposited in an account with Bank of America.

When the Electronic Payments Contract was negotiated, Bank of America was providing bank account services under another contract (the “Concentration Account Contract”) at a lower cost to the state than the fee structure the bank would offer under a new agreement. The Department elected, with the acceptance of Bank of America, to use the account services under the Concentration Account Contract with its more cost-effective fee structure. The Electronic Payments Contract references the Concentration Account Contract for pricing of depository services and some services related to the processing of electronic checks which are necessary for the debiting and crediting of electronic check transactions processed through the Electronic Payments Contract. However, no pricing was established under the Electronic Payments Contract for the period after expiration of the Concentration Account Contract. The Concentration Account Contract will end on March 31, 2016, unless extended or renewed.

This amendment will designate new Bank of America accounts to replace the accounts that are provided for under the Concentration Account Contract to allow for the continuation of the services after the date of termination of the Concentration Account Contract that are required by the Electronic Payments Contract. Due to the existing requirement in the Electronic Payments Contract for the resulting funds from electronic check processing to be deposited in a Bank of America account, it is not possible for the Department to acquire this service through a competitive procurement. For these reasons, the Department has concluded that a single-source procurement is necessary and appropriate.

Approved By (names & titles, as appropriate, e.g., requestor, requestor management, information systems, budget, purchasing, DMS approver)
Purchasing Services
Legal Services
Bert Wilkerson, Director, Division of Treasury
Paul Whitfield, DCFO
Robert Kneip, COS

Failure to file a protest within the time prescribed in section 120.57(3), Florida Statutes, or failure to file a bond or other security within the time allowed for filing a bond, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.