

Merchant Services Epilogue Language

Last Revised 2/12/2020

Current Epilogue Language:

Section 88. The Office of the State Treasurer, with the assistance of the Department of Technology and Information and the Delaware Government Information Center, where appropriate, shall evaluate and approve the payment component of all new web-based technology initiatives involving the electronic remittance of funds to the State.

Specifically, those projects promoting the use of online credit card payment, online debit card payment, Automated Clearing House payments, "e-checks" and other forms of electronic funds transfer shall be subject to this joint review and approval process. For those agencies that already use online credit card payment, online debit card payment, Automated Clearing House payment, "e-check" or other forms of electronic funds transfer, those agencies shall be exempt from this requirement unless and until such time as their current electronic payment component must undergo any type of upgrade or the contract is due to expire at which point the agency shall investigate the feasibility of implementing the State's designated payment component. A standard evaluation form will be designed by the Office of the State Treasurer with the assistance of the Department of Technology and Information and the Government Information Center, where appropriate, and approved by the Office of Management and Budget.

Proposed Epilogue Language:

Section 88. Except as provided in this Section 88, all departments, agencies and instrumentalities of the State, including school districts, shall be required to use the merchant processors approved by the Cash Management Policy Board and gateway providers approved by the Office of the State Treasurer [after consultation with the Department of Technology and Information, as appropriate]. The foregoing requirement shall not apply to any department, agency or instrumentality of the State that has independent authority to procure merchant processing or gateway services under other applicable law.

State entities may request an exemption from this Section by submitting a written request to the Office of the State Treasurer. The Office of the State Treasurer, with the consent of the Chair of the Cash Management Policy Board, may grant any such request involving merchant processors. The Office of the State Treasurer, after consultation with the Department of Technology and Information, as appropriate, may grant any such request involving gateway services. State entities with independent authority to procure merchant processing or gateway services may request to utilize the services of providers approved by the Office of the State Treasurer or the Cash Management Policy Board, subject to the terms of any awarded contract. The Office of the State Treasurer has discretion to grant or deny any such request.