

1 [Agreement - Retroactive - Fidelity National Information Services, Inc. - Wireless Payment
2 Processing Services and Authorizing Acceptance of Debit Cards and Electronic Funds
3 Transfers - No Cost]

4 **Resolution retroactively authorizing an agreement with Fidelity National Information**
5 **Services, Inc. to facilitate the use of state-issued Electronic Benefits Transfer (EBT)**
6 **debit cards and acceptance of debit cards and electronic funds transfers at the**
7 **Alemany Farmers’ Market, for a term period of January 22, 2018, through until the State**
8 **of California selects a new EBT wireless payment processing service vendor; and to**
9 **authorize the Director of Property to enter into amendments or modifications to the**
10 **agreement that do not materially increase the obligations or liabilities to the City and**
11 **are necessary to effectuate the purposes of the agreement or this Resolution.**

12
13 WHEREAS, San Francisco Administrative Code, Chapter 9A, Famers’ Market,
14 subsection 9A.5., provides that all “Certified Farmers’ Markets shall accept forms of
15 payment from participants in federal, state, or City food assistance programs, including, but
16 not limited to, the Special Supplemental nutrition Program for Women, Infants, and
17 Children (WIC), the Supplemental Nutrition Assistance Program (SNAP), and the Electronic
18 Benefits Transfer Project (EBT)” (all together “Food Assistance Programs”); and

19 WHEREAS, For over 20 years, the Alemany Farmers’ Market, under the
20 jurisdiction and operation of the Real Estate Division (RED), has been accepting various
21 forms of Food Assistance Programs, in addition to the EatSF, CalFresh, and MarketMatch
22 programs; and

23 WHEREAS, Many if not all of these Food Assistance Programs use EBT debit
24 cards for participants to redeem benefits for eligible foods at farmers’ markets, including the
25 Alemany Farmers’ Market, in addition to vouchers, and other forms of payment; and

1 WHEREAS, The Alemany Farmers’ Market accepts EBT debit cards, provides
2 participants with Alemany Farmers’ Market tokens solely for use at the Market, and then
3 receives electronic fund transfers as reimbursement payments for same from the State of
4 California; and

5 WHEREAS, In or about July 2005, the Board of Supervisors and Mayor approved
6 Resolution No. 543-05, authorizing an agreement with J.P. Morgan Electronic Financial
7 Services, Inc., to facilitate the use of state-issued EBT debit cards at the Alemany Farmers’
8 Market; and

9 WHEREAS, The average number of EBT users at the Alemany Farmers’ Market
10 ranges between 150 and 350 each week, with an average spending of over \$10,000 per
11 week; and

12 WHEREAS, RED wishes to ensure that food assistance program recipients
13 continue to have easy access to fresh, nutritious and wholesome foods through the
14 Alemany Farmers’ Market; and

15 WHEREAS, Under an exclusive agreement with the State of California, Fidelity
16 National Information Services, Inc. (FIS) currently manages issuance of United States
17 Department of Agriculture Food and Nutrition Services food stamp benefits to recipients in
18 the State of California, including the state-issued EBT debit cards; and

19 WHEREAS, In or about 2018, RED entered into a no cost agreement with FIS for
20 Wireless Payment Processing Services for EBT at the Alemany Farmers’ Market (the
21 “Agreement”); and

22 WHEREAS, RED would like to continue with the no cost agreement with FIS to allow
23 food stamp benefit recipients to continue to use state-issued EBT debit cards when making
24 purchases at the Alemany Farmers’ Market; and

25

1 WHEREAS, California Government Code, Section 6159 (c) authorizes a city and
2 county to accept a debit card or electronic funds transfer for the payment of a charge due a
3 City and County upon obtaining authorization from the governing body that has fiscal
4 responsibility for that agency; and

5 WHEREAS, Under Charter, Section 9.118 the Board of Supervisors is required to
6 approve an agreement if the term exceeds ten years; and

7 WHEREAS, The term of the agreement with FIS might exceed ten years as there is no
8 end date and will terminate upon the State of California selecting a new EBT Wireless
9 Payment Processing Services vendor; now, therefore, be it

10 RESOLVED, That the Board of Supervisors authorizes the acceptance of EBT debit
11 cards and electronic funds transfers in connection with the Food Assistance Programs at the
12 Alemany Farmer's Market; and, be it

13 RESOLVED, That this Resolution satisfies the requirements of California Government,
14 Code Sections 6159 (c) and 6159 (d) and San Francisco Charter, Section 9.118; and, be it

15 FURTHER RESOLVED, The Board of Supervisors hereby retroactively authorizes the
16 RED to enter into a no cost agreement with FIS in the form on file in Board of Supervisor's
17 File No. 231282, in order to facilitate the use of EBT debit cards at the Alemany Farmers'
18 Market and to receive electronic funds transfers to allow for reimbursement from the State of
19 California via FIS; and, be it

20 FURTHER RESOLVED, The Board of Supervisors finds that the Agreement and
21 proposed continued use of EBT at the Alemany Farmers' Market serves a public purpose for
22 the benefit of the State, City and its residents; and, be it

23 FURTHER RESOLVED, The Board of Supervisors retroactively approves the terms as
24 set forth in the Agreement, and authorizes the Director of Property to take all actions, on
25 behalf of the City, and to make any amendments or modifications to the Agreement that the

1 Director of Property determines, in consultation with the City Attorney, are in the best interests
2 of the City, do not materially increase the obligations or liabilities of the City, and are
3 necessary or advisable to complete the transaction and effectuate the purposes and intent of
4 this Resolution and are in compliance with all applicable laws, including the City Charter; and,
5 be it

6 FURTHER RESOLVED, That any action heretofore taken by any City employee or
7 official with respect to the Agreement is hereby approved, confirmed and ratified; and, be it

8 FURTHER RESOLVED, That within thirty (30) days following the execution of an
9 amendment to the Agreement, the Director of Property shall provide a copy to the Clerk of the
10 Board to include into Board File No. 231282.

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RECOMMENDED:

/s/ _____
Andrico Q. Penick
Director of Property
Real Estate Division