

AMENDMENT 5
RFP No. 14-008474 / 200109-004

THE STATE OF NORTH CAROLINA, by and through its Office of State Controller and Department of State Treasurer (the “State”), hereby gives this NOTICE OF EXTENSION with respect to RFP No. 14-008474 / 200109-004 between the State and SunTrust Merchant Services, LLC (“Servicer”) (the State and the Servicer hereinafter referred to collectively as the “Parties”).

WHEREAS, the Parties entered into an agreement effective January 31, 2015 (the “Agreement”) for the provision of merchant card processing services by the Servicer to the State (the “MCP Services”), with an initial term of five (5) years and the option, at the sole discretion of the State, to extend the Agreement for two (2) additional one (1) year periods; and

WHEREAS, the Parties subsequently executed Amendment No. 1 to the Agreement on December 21, 2015 to provide for the quarterly reimbursement of certain administrative fees paid by the State in association with the State’s use of the MCP Services; and

WHEREAS, the Parties subsequently executed Amendment No. 2 to the Agreement on November 22, 2016 in order to (i) make electronic benefits transfer (“EBT”) services part of the MCP Services generally available to the State under the Agreement; (ii) add EBT processing and balance inquiry fees to the schedule of fees associated with the MCP Services generally; and (iii) conform the Agreement to recently enacted legislation, N.C. Session Law 2016-85, which modified certain provisions of Chapter 143B of the North Carolina General Statutes governing the State’s procurement of information technology; and

WHEREAS, the Parties subsequently executed Amendment No. 3 to the Agreement on November 4, 2019 to make certain additional products and services generally available to the State under the Agreement, including (i) Convenience Fee Services; (ii) CardConnect Gateway and CardSecure Services; and (iii) Clover Services and Equipment; and

WHEREAS, the Parties exercised the First-Year renewal option for the period of January 31, 2020 through January 30, 2021 under Notice of Extension dated January 29, 2020;

WHEREAS, the Parties exercised the Second-Year option for the period January 31, 2021 through January 30, 2022 under Notice of Extension dated February 1, 2021;

WHEREAS, the State desires that Servicer continue provide the provision of the merchant card processing services;

NOW, THEREFORE, the State provides to the Servicer formal notice of the following:

1. Extension. The Agreement between the Parties, and all rights and obligations attendant thereto, shall be extended for an additional period of one year, such period to commence on January 31, 2022 and to conclude on January 30, 2023 (the “Amendment”).
2. Effect of Extension. This Amendment modifies the Agreement only as expressly set forth herein. All terms, conditions and provisions of the Agreement shall remain in full force and effect, modified only to the extent necessary to accomplish the purpose of the Amendment.

IN WITNESS WHEREOF, the Parties to the Agreement have caused their duly-authorized representatives to execute this Amendment as of the dates written below.

NORTH CAROLINA OFFICE OF STATE CONTROLLER

3512 Bush Street
Raleigh, NC 27609

Dr. Linda Combs

Name

North Carolina State Controller

Title

DocuSigned by:

Dr. Linda Combs

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Signature

1/24/2022 | 16:35 PM EST

Date

NORTH CAROLINA DEPARTMENT OF STATE TREASURER

3200 Atlantic Avenue
Raleigh, NC 27604

Ted Brinn

Name

Chief of Staff

Title

DocuSigned by:

Ted Brinn

0B5846C...

Signature

1/24/2022 | 14:55 PM EST

Date

SUNTRUST MERCHANT SERVICES, LLC

2900 Westside Parkway
Alpharetta, GA 30004

Shane McCullough

Name

Authorized signer

Title

DocuSigned by:

[Signature]

0A0780A189AF0465...

Signature

1/19/2022 | 23:23 PM EST

Date