



AGENDA STAFF REPORT

Control: 26001605

MEETING DATE: 08/11/2026
LEGAL ENTITY TAKING ACTION: Board of Supervisors
BOARD OF SUPERVISORS DISTRICT(S): All Districts
SUBMITTING AGENCY/DEPARTMENT: Treasurer-Tax Collector
DEPARTMENT CONTACT PERSON(S): Shari Freidenrich, 714-615-1421
Pepito Intal, 714-834-4774

SUBJECT: Amend and Extend Contracts for Wells Fargo Electronic Payments and Gateway

CEO CONCUR

Concur

COUNTY COUNSEL REVIEW

Approve agreement to form

CLERK OF THE BOARD

DISCUSSION

3 Votes Board Majority

Budgeted: Yes

Current Year Cost: \$2,510,000

Annual Cost: N/A

Staffing Impact: No

Sole Source: Yes

Current Fiscal Year

Funding Source: See Financial Impact

County Audit in Last 3

Revenue: N/A

Section

years: No

Levine Act Review

Completed? Yes

Prior Board Action: 8/12/2025 #32, 8/13/2024 #14, 8/8/2023 #15, 8/10/2021 #9,

RECOMMENDED ACTION(S):

1. Authorize the County Procurement Officer or Deputized designee to execute Amendment No. 12 with Wells Fargo Merchant Services, L.L.C. and Wells Fargo Bank, N.A. to amend the contract for electronic payment acceptance and processing services for non-convenience fee credit and debit cards and eCheck transactions in an amount not to exceed \$2,500,000 for a one-year extension, commencing on August 14, 2026, through August 13, 2027, for a total cumulative contract total amount not to exceed \$35,100,000.

2. Authorize the County Procurement Officer or Deputized designee to execute Amendment No.13 with Wells Fargo Bank, N.A. to amend the contract for internet payment gateway services to accept and process payments via the internet in an amount not to exceed \$10,000 for a one-year extension, commencing on August 14, 2026, through August 13, 2027, for a revised cumulative contract total amount not to exceed \$160,000.

SUMMARY:

Approval of Amendments for extension of these contracts will allow the Treasurer-Tax Collector to continue accepting non-convenience fee credit, debit, and eCheck payments for County services.

BACKGROUND INFORMATION:

These items are coming to the Board of Supervisors (Board) as sole source agreements which require Board approval per the County Contract Policy Manual (CPM) for sole source contracts over a three (3) year term.

In addition, these one-year extensions require new Sole Source approved forms as the contracts increased in dollar amounts. These one-year contract extensions will allow sufficient time to conduct a formal solicitation for services. These contracts currently include subcontractors or pass through to other providers. See Attachment C for Contract Summary Form Merchant Services Program Guide Agreement (Electronic Payment Acceptance and Processing Services).

Merchant Service Program

The Treasurer-Tax Collector (Treasurer) is seeking approval to extend this contract for one year to continue using a mix of merchant processors tailored to transaction volume and cost efficiency, ensuring the County and Superior Court benefit from the most cost-effective electronic customer payment solutions for both high and low dollar transactions. This merchant processing contract provides the lower merchant processing costs for transactions below \$50, lower than the other two merchant processing vendors as they use a percentage of the total transaction for the fee versus a percentage and a transaction fee.

Summary of the past five years of Merchant Processing Service Fees:

FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25	FY2025-26
\$1,020,798	\$1,520,231	\$1,767,337	\$1,868,982	\$2,177,031

Summary of the past five years of Merchant Processing Service Volume:

FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26
\$42,674,943	\$61,429,075	\$67,665,413	\$74,800,794	\$88,786,464

Payment Gateway User Agreement (Internet Gateway)

The Treasurer is seeking approval to extend this contract for one year to ensure uninterrupted transmission of internet payment data, and to continue utilizing Wells Fargo as the designated gateway provider for online electronic transactions.

The Orange County Preference Policy is not applicable to this contract award/renewal/amendment.

These contracts are being presented for Board approval less than 30 days before the effective date due to continued negotiations with the Contractor to finalize terms and pricing.

The Contractor's performance has been confirmed as satisfactory. Treasurer-Tax Collector has verified there are no concerns that must be addressed with respect to Contractor's ownership/name, litigation status or conflicts with County interests. These Contracts include subcontractors. See Attachment C for Contract Summary Form.

Prior Board Actions – Contract MA-074-13010137 Merchant Service Program

Agenda Date	Item #	Board Action	Contract Amount
8/14/2014	7	Approve contract MA-074-13010137 with Wells Fargo Merchant Services, L.L.C. and Wells Fargo Bank, N.A. for electronic payment acceptance and processing for non-convenience credit and debit card transactions, through 8/13/15.	\$0.00

7/14/2015	22	Approve amendment 3 to renew Merchant Services Program Guide 1505 for electronic payment acceptance and processing services for non-convenience credit and debit card transactions, effective 8/14/15 through 8/13/16.	\$1,520,000
5/24/2016	42	Approve amendment 4 to renew Merchant Services Program Guide 1405 contract for electronic payment acceptance and processing services for non-convenience fee credit/debit card and eCheck transactions, effective 8/14/16 through 8/13/17.	\$2,300,000
7/11/2017	24	Approve amendment 5 to renew electronic payment acceptance and processing services for non-convenience fee credit and debit cards and eCheck transactions, effective 8/14/17 through 8/13/18.	\$1,900,000
6/5/2018	13	Approve amendment 6 to extend electronic payment acceptance and processing services for non-convenience fee credit and debit cards and eCheck transactions, effective 8/14/18 through 8/13/19.	\$2,300,000
8/13/2019	10	Approve amendment 7 to extend electronic payment acceptance and processing services for non-convenience fee credit cards, debit cards and eCheck transactions, effective 8/14/19 through 8/13/21.	\$5,300,000
8/10/2021	9	Approve amendment 8 to extend electronic payment acceptance and processing services for non-convenience fee credit and debit cards and eCheck transactions, effective 8/14/21 through 8/13/23.	\$4,600,000
8/8/2023	15	Approve amendment 9 to extend electronic payment acceptance and processing services for non-convenience fee credit and debit cards and eCheck transactions, effective 8/14/23 through 8/13/24.	\$2,400,000
8/13/2024	14	Approve amendment 11 to extend electronic payment acceptance and processing services for non-convenience fee credit and debit cards and eCheck transactions, effective 8/14/24 through 8/13/25.	\$4,600,000
8/12/2025	32	Approve amendment 12 to extend electronic payment acceptance and processing services for non-convenience fee credit and debit cards and eCheck transactions, effective 8/14/24 through 8/13/25.	\$4,600,000

Prior Board Actions – Contract MA-074-13010138 Payment Gateway User Agreement

Agenda Date	Item No	Board Action	Contract Amount
8/14/2012	7	Approve contract MA-074-13010138 with Wells Fargo Bank, N.A. for internet payment gateway services required for accepting and processing credit and debit cards and eChecks via internet, through 8/13/13.	\$10,000
8/12/2014	3	Approve amendment 3 to renew internet payment gateway services required for accepting and processing credit/debit card and eChecks, and adding Tokenization Subscription Services, effective 8/14/14 through 8/13/15.	\$20,000
7/14/2015	22	Approve amendment 4 to renew internet payment gateway services to accept and process payments via internet, effective 8/14/15 through 8/13/16	\$20,000
7/11/2017	24	Approve amendment 5 to renew internet payment gateway services to accept and process payments via internet, effective 8/14/16 through 8/13/17.	\$10,000

6/5/2018	13	Approve amendment 6 to renew internet payment gateway services to accept and process payments via Internet, effective 8/14/17 through 8/13/18.	\$10,000
8/13/2019	10	Approve amendment 7 to extend internet payment gateway services, effective 8/14/18 through 8/13/19.	\$20,000
8/8/2023	15	Approve amendment 8 to extend internet payment gateway services to accept and process payments via the internet, effective 8/14/19 through 8/13/21.	\$10,000
8/13/2024	14	Approve amendment 11 to extend internet payment gateway services, effective 8/14/24 through 8/13/25.	\$10,000
8/12/2025	32	Approve amendment 12 to extend internet payment gateway services, effective 8/14/24 through 8/13/26.	\$10,000

FINANCIAL IMPACT:

Appropriations for merchant processing fees in total for all payment processing vendors are included in the Treasurer's Budget Control 074's FY 2026-27 Budget and will be included in the budgeting process for future years. The Treasurer is fully reimbursed for the cost of these two contracts by billing monthly for the electronic payment acceptance and processing services and gateway services provided to County departments, thereby resulting in no net impact on the Treasurer's Net County Cost. The expected service usage for merchant and gateway services is General Fund: 29 percent, County Non-General Fund: 62 percent and State: 9 percent (Courts). Both contracts allow for termination without penalty.

STAFFING IMPACT:

N/A

REVIEWING AGENCIES/DEPARTMENTS:

N/A

ATTACHMENTS:

Attachment A - Amend No 12 to MA-074-13010137 Wells Fargo Merchant Serv Program

Attachment B - Amend No 13 to MA-074-13010138 Wells Fargo Payment Gateway_v3 WF Legal 072026

Attachment C - Contract Summary Forms