

24577

DATE: January 31, 2012

TO: Board of Acquisition and Contract

FROM: Sherlita Amler, M.D.
Commissioner of Health

RE: Authorization to enter into a second contract amendment with the New York State Department of Health (“NYSDOH”) to accept additional funding and increase the not-to-exceed amount for the Tobacco Enforcement Program Grant, as follows:

	<u>First Contract Amendment</u>	<u>Second Contract Amendment</u>
Contract Period:	10/1/10 – 3/31/12	Contract Period: Unchanged
Amount Not-To-Exceed:	\$414,480	Amount Not-To-Exceed: \$436,093

On August 5, 2010, Your Honorable Board approved a Resolution (the “August 5, 2010 Resolution”) which authorized the County of Westchester, acting by and through its Department of Health (“WCDH”), to enter into contract with the NYSDOH to accept funding for the Tobacco Enforcement Program Grant, for the contract period 10/1/10 through 9/30/11, pursuant to an approved budget, in the amount not-to-exceed \$295,370. This contract has been executed.

On August 18, 2011, Your Honorable Board approved a Resolution (the “August 18, 2011 Resolution”) which authorized the County of Westchester, acting by and through its Department of Health (“WCDH”), to enter into the first contract amendment with the NYSDOH to extend the contract period to 3/31/12 and increase the not-to-exceed amount to \$414,480 for the Tobacco Enforcement Program Grant, pursuant to an approved budget. This contract amendment has been executed.

The WCDH has since received notification from the NYSDOH that the Tobacco Enforcement Program Grant has been allocated a Cost of Living Adjustment (“COLA”) in the amount of \$21,613, increasing the not-to-exceed amount to a revised total contract amount of \$436,093.

All other terms and conditions of the original contract as amended shall remain the same.

This contract promotes the public health and general welfare of County residents by reducing the incidence of smoking and the sale of tobacco products among underage youth in Westchester County.

The goal of this program is to decrease the sale of tobacco products to minors within Westchester County. Program objectives include routine inspections by WCDH to ensure that all tobacco vendors pre-register with the NYS Department of Taxation and Finance (“NYSDTF”), that vendors

post the required signage banning tobacco sales to underage youth, that vendors display or store tobacco products behind the sales counter or in a locked container and that there is vendor supervision of cigarette vending machines. Noncompliant vendors are subject to formal enforcement proceedings, re-inspection visits by the WCDH and revocation of the tobacco vendor's registration by the NYSDTF for continued noncompliance.

The program is tracked in the NYSDOH database through the electronic recording of all routine compliance checks, complaint investigations, enforcement actions and vendor training efforts. This data is reported to the NYSDOH on a quarterly basis. There are 1,291 tobacco vendor locations in Westchester County and approximately 5,094 inspections are conducted each year.

I certify that my department, a.) has copies of, or access to, all applicable laws, rules, regulations, grant applications, and grant agreements (including any master grant agreement), as well as any guidance or instructions received from the agency making the grant (the "Grant Terms"), b.) has reviewed the Grant Terms, c.) is aware of and understands all of the Grant Terms, and d.) can and will comply with all of the Grant Terms.

Your approval of the attached resolution is respectfully requested.

/md

APPROVED BOARD OF ACQUISITION & CONTRACT 12/23/23
COMARNEY SECRETARY

RESOLUTION

UPON A COMMUNICATION FROM THE COMMISSIONER OF HEALTH, be it hereby

RESOLVED, that the County of Westchester, acting by and through its Department of Health ("WCDH"), is authorized to enter into a second contract amendment with the NYSDOH in order to increase the not-to-exceed amount for the Tobacco Enforcement Program Grant, as follows:

First Contract Amendment

Second Contract Amendment

Contract Period: 10/1/10 – 3/31/12
 Amount Not-To-Exceed: \$414,480

Contract Period: Unchanged
 Amount Not-To-Exceed: \$436,093;

and, be it further

RESOLVED, that all other terms and conditions of the original contract as amended shall remain the same; and, be it further

RESOLVED, that the County Executive or his duly authorized designee be and hereby is authorized and empowered to execute all appropriate contracts or documents necessary to effectuate the purposes of this resolution in the manner prescribed by law.

Department of Health
 County of Westchester
 145 Huguenot Street, 8th Floor
 New Rochelle, New York 10801
 January 31, 2012

Original Agreement	\$ 295,370
First Amendment	\$ 119,110
Second Amendment	\$
This Amendment	\$ 21,613
TOTAL	\$ 436,093

Agreement # _____

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub-Object	Trust Account	Dollars
	263	27	235K	9854	T235	\$21,613
Budget Funding Year(s) (must match resolution) <u>2010-2012</u> Start Date <u>10/1/10</u> End Date <u>3/31/12</u>						
Funding Source		Tax Dollars _____ State Aid <u>NYSDOH</u> Federal Aid _____ Other _____				
\$21,613						
(must match resolution)						