

**20739**

**DATE:** August 3, 2011

**TO:** Board of Acquisition and Contract

**FROM:** Cheryl Archbald, M.D., M.P.H.  
Acting Commissioner of Health

**RE:** Authorization to enter into a contract amendment with the New York State Department of Health to extend the contract period and increase the not-to-exceed amount for the Tobacco Enforcement Program Grant, as follows:

	<u>Original Contract</u>	<u>Amended Contract</u>
Contract Period:	10/1/10 – 9/30/11	Contract Period: 10/1/10 – 3/31/12
Amount Not-To-Exceed:	\$295,370	Amount Not-To-Exceed: \$414,480

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 New York State Department of Health 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.

The WCDH has since received notification from the New York State Department of Health that the contract period will be extended in order to align the contract with the State Fiscal Year. Approval to enter into a contract amendment is required in order to extend the contract period through 3/31/12 and increase the not-to-exceed amount by \$119,110 for a revised total contract amount of \$414,480.

All other terms and conditions of the original contract 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.

Your approval of the attached resolution is respectfully requested.

/md

