

62298

DATE: March 28, 2018

TO: Board of Acquisition and Contract

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

RE: Authorization to Enter into Contract with the New York State Department of Health to Accept Continued Funding for the Tobacco Enforcement Program Grant, as follows:

Contract Term: 4/1/18 – 3/31/23
Amount: Not-to-Exceed \$1,295,426

The Westchester County Department of Health (“WCDH”) seeks authorization to enter into a contract with the New York State Department of Health (“NYSDOH”) to accept continued funding for the Tobacco Enforcement Program Grant, for a five (5) year contract term of 4/1/18 through 3/31/23, pursuant to an approved budget, in the total not-to-exceed amount of \$1,295,426.

This contract’s public purpose is to promote 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. WCDH also responds to complaints made by private citizens about indoor smoking in places of employment and residential areas, and enforcement actions are instituted against repeat violators.

The agreement requires the County to indemnify the New York State Department of Health as follows:

“The Contractor shall be solely responsible and answerable in damages for any and all accidents and/or injuries to persons (including death) or property arising out of or related to the services to be rendered by the Contractor or its subcontractors pursuant to this Master Contract. The Contractor shall indemnify and hold harmless the State and its officers and employees from claims, suits, actions, damages and cost of every nature arising out of the provision of services pursuant to the Master Contract.”

The program is tracked in the NYSDOH database through the electronic recording of all routine compliance checks, complaint investigations regarding tobacco sales to a minor and smoking in indoor

areas, enforcement actions and vendor training efforts. This data is reported to the NYSDOH on a quarterly basis. There are 949 active tobacco vendor locations in Westchester County and approximately 3250 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

Approval of the attached Resolution is respectfully requested.

/md
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/19/2018 - LISA MRIJAJ, 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, is authorized to enter into contract with the New York State Department of Health to accept continued funding for the Tobacco Enforcement Program grant, for a five (5) year contract term of 4/1/18 through 3/31/23, pursuant to an approved budget, in the total not-to-exceed amount of \$1,295,426; and, be it further

RESOLVED, that the agreement requires the County to indemnify the New York State Department of Health as follows:

“The Contractor shall be solely responsible and answerable in damages for any and all accidents and/or injuries to persons (including death) or property arising out of or related to the services to be rendered by the Contractor or its subcontractors pursuant to this Master Contract. The Contractor shall indemnify and hold harmless the State and its officers and employees from claims, suits, actions, damages and cost of every nature arising out of the provision of services pursuant to the Master Contract.”;

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
10 County Center Road – 2nd Floor
White Plains, New York 10607
March 28, 2018

Original Agreement	\$
First Amendment	\$
This Amendment	_____
TOTAL	\$

Agreement #

Account to be
Charged/Credited

Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub-Object	Trust Account	Dollars
263	27	235T	9854	T235	\$254,685
263	27	235U	9854	T235	\$256,885
263	27	235V	9854	T235	\$259,085
263	27	235W	9854	T235	\$261,285
263	27	235X	9854	T235	\$263,486

Budget Funding
Year(s)
(must match
resolution)

2018-2023

Start Date 4/01/18

End
Date

03/31/23

Funding Source

Tax Dollars

State Aid

NYSDOH

Federal Aid

Other

\$1,295,426

(must match
resolution)

APPROVED BOARD OF ACQUISITION & CONTRACT 04/19/2018 - LISA MRJ SECRETARY