



## Legislation Details (With Text)

**File #:** 22-0788      **Version:** 1

**Type:** Bill      **Status:** Passed

**File created:** 6/27/2022      **In control:** Safety, Housing, Education & Homelessness Committee

**On agenda:** 8/1/2022      **Final action:** 8/1/2022

**Title:** A bill for an ordinance approving a proposed Second Amendatory Agreement between the City and County of Denver and Colorado Department of Public Health and Environment, for City enforcement of the Tobacco Retail Compliance Check Inspection program that targets youth access to tobacco products.  
Amends a revenue contract with the Colorado Department of Public Health & Environment by adding \$203,686.70 for a new total of \$532,167.68 in state funds and one year for a new end date of 5-29-23 for City enforcement of the Tobacco Retail Compliance Check Inspection program that targets youth access to tobacco products, citywide (ENVHL-202056536-02). The last regularly scheduled Council meeting within the 30-day review period is on 8-18-22. The Committee approved filing this item at its meeting on 7-6-22.

**Sponsors:**

**Indexes:** Emily Lapel

**Code sections:**

**Attachments:** 1. BR22-0788 DDPHE CDPHE FDA Tobacco Inspection, 2. 22-0788 Filed Bill\_Colorado Department of Public Health and Environment 202056536-02, 3. 22-0788 Second Amendatory Agreement\_Colorado Department of Public Health and Environment 202056536-02, 4. 22-0788 Filed Bill\_Colorado Department of Public Health and Environment, 5. 22-0788 - signed, 6. 22-0788 For an ordinance approving a proposed Second Amendatory Agreement 6 between the City and County of Denver and Colorado Department of Public

| Date      | Ver. | Action By   | Action                                      | Result |
|-----------|------|---|---|--------|
| 8/2/2022  | 1    | Mayor   | signed                                      |        |
| 8/1/2022  | 1    | Council President                                   | signed                                      |        |
| 8/1/2022  | 1    | City Council  | placed upon final consideration and do pass | Pass   |
| 7/25/2022 | 1    | City Council  | ordered published                           |        |
| 7/6/2022  | 1    | Safety, Housing, Education & Homelessness Committee | approved by consent                         |        |

### [Contract Request Template \(Contracts; IGAs; Leases\)](#)

**Date Submitted:** 7-4-2022

**Requesting Agency:** Department of Public Health & Environment/Community & Behavioral Health Division  
**Division:**

**Subject Matter Expert Name:** Will Fenton

**Email Address:** [Will.Fenton@denvergov.org](mailto:Will.Fenton@denvergov.org) <mailto:Will.Fenton@denvergov.org>

**Phone Number:**

### Item Title & Description:

(Do not delete the following instructions)

These appear on the Council meeting agenda. Initially, the requesting agency will enter a 2-3 sentence description. Upon bill filling, the City Attorney's Office should enter the title above the description (the title should be in **bold** font).

Both the title and description must be entered between the red "title" and "body" below. Do **not** at any time delete the red "title" or "body" markers from this template.

**A bill for an ordinance approving a proposed Second Amendatory Agreement between the City and County of Denver and Colorado Department of Public Health and Environment, for City enforcement of the Tobacco Retail Compliance Check Inspection program that targets youth access to tobacco products.**

Amends a revenue contract with the Colorado Department of Public Health & Environment by adding \$203,686.70 for a new total of \$532,167.68 in state funds and one year for a new end date of 5-29-23 for City enforcement of the Tobacco Retail Compliance Check Inspection program that targets youth access to tobacco products, citywide (ENVHL-202056536-02). The last regularly scheduled Council meeting within the 30-day review period is on 8-18-22. The Committee approved filing this item at its meeting on 7-6-22.

**Affected Council District(s) or citywide? Citywide**

**Contract Control Number:** ENVHL-202056536-02)

**Vendor/Contractor Name (including any "DBA"):** Colorado Department of Public Health & Environment (CDPHE)

**Type and Scope of services to be performed:**

This project serves to improve the health, well-being, and equity of all Coloradans through health promotion and prevention during the federal funding period by enforcing provisions of the Family Smoking Prevention and Tobacco Control Act of 2009 (Tobacco Control Act) through the statewide Tobacco Retail Compliance Check Inspection Program that targets youth access to tobacco products.

The Tobacco Retail Compliance Check Program has been under CDPHE's purview for over a decade. CDPHE has contracted DDPHE on behalf of the FDA to conduct compliance checks of tobacco retailers in the City and County of Denver. Over the past decade, DDPHE has renewed this revenue contract on an annual basis, totaling <\$200,000. CDPHE has moved to using "Option Letters" in which they contract DDPHE for a three-year cycle, increasing the total amount to >\$500,000. At this time, CDPHE pays DDPHE \$204.66 per inspection, but it costs DDPHE ~\$130 to conduct each inspection, leaving a revenue of ~\$75 per inspection conducted. This revenue has been held in the Tobacco Special Revenue Fund 14804 and is used for all tobacco-related efforts, including retailer outreach/education materials, signage, postcard campaigns, etc.

**Scope of work:**

**Goal #1:** Improve the health, well-being, and equity of all Coloradans through health promotion and prevention.

**Objective #1:** No later than the expiration date of this contract, improve the health, well-being, and equity of all Coloradans through health promotion and prevention by enforcing provisions of the Family Smoking Protection and Tobacco Control Act of 2009 related to the sale, distribution, and use of tobacco products to youth.

**Primary Activity #1:** The Contractor shall hire FDA-commissioned staff to conduct tobacco retail compliance check inspections as assigned by FDA/CDPHE.

**Primary Activity #2:** The Contractor shall conduct tobacco retail compliance check inspections.

**Primary Activity #3:** The Contractor shall maintain proper handling/storage/shipment of evidence.

**Primary Activity #4:** The Contractor shall complete Monthly Program Reports in a CDPHE-provided template.

**Primary Activity #5:** The Contractor shall perform non-inspection program functions as identified in the *FDA Program Manual* to maintain capacity to conduct inspections.

**Location (if applicable):**

**WBE/MBE/DBE goals that were applied, if applicable (construction, design, Airport concession contracts):**

**Are WBE/MBE/DBE goals met (if applicable)?**

**Is the contract new/a renewal/extension or amendment?**

Amendment

**Was this contractor selected by competitive process or sole source?**

N/A

**For New contracts**

**Term of initial contract:**

**Options for Renewal:**

How many renewals (i.e. up to 2 renewals)?

Term of any renewals (i.e. 1 year each):

**Cost of initial contract term:**

**Cost of any renewals:**

**Total contract value council is approving if all renewals exercised:**

**For Amendments/Renewals Extensions:**

**Is this a change to cost/pricing; length of term; terms unrelated to time or price (List all that apply)? Length and amount**

***If length changing***

**What was the length of the term of the original contract?**

9.30.2021 to 5.29.2022

**What is the length of the extension/renewal?**

One year

**What is the revised total term of the contract?**

9.30.2021 to 5.29.2023

***If cost changing***

**What was the original value of the entire contract prior to this proposed change?**

\$328,480.98

**What is the value of the proposed change?**

\$203,686.70

**What is the new/revised total value including change?**

532,167.68

***If terms changing***

**Describe the change and the reason for it (i.e. compliance with state law, different way of doing business etc.)**