

**PHASE I
REQUEST FOR QUALIFICATIONS/REQUEST FOR
PROPOSALS**

**PROPOSED MEDICAL MARIJUANA TREATMENT CENTER DEVELOPMENT
FOR
THE CITY OF SPRINGFIELD, MASSACHUSETTS**

RFQ/P NO. 16-090

November 4th, 2015

ADVERTISEMENT
CITY OF SPRINGFIELD, MASSACHUSETTS
OFFICE OF PROCUREMENT

RFP No. 16-090(Phase I)
Request for Proposals/Qualifications for Proposed Medical Marijuana Treatment Center Development for the City of Springfield- PHASE ONE

Proposal will be received until 2:00 PM: **December 2, 2015** BY: The Office of Procurement
Lauren Stabilo, Chief Procurement Officer
36 Court Street, Room 307, Springfield MA 01103
Phone (413) 787-6284 fax 787-6295

at which time the proposals will be privately opened and logged in the Office of Procurement.

The City is issuing this Phase I Request for Qualifications/Request for Proposals to obtain information and pre-qualify enterprises desirous of participating in the City's Phase II-RFP process, the purpose of which will be to select one or more enterprises with whom the City will negotiate and execute a Host Community Agreement for the development, construction, and operation of a Medical Marijuana Treatment Center within the City in accordance with applicable laws and regulations. This RFQ/RFP is intended to provide a public selection process but is not issued pursuant to Mass. Gen. Laws Ch. 30B.

Pursuant to Chapter 369 of the Acts of 2012- November 6, 2012, Ballot Question 3, Massachusetts became the 18th state in the nation in addition to approve the use of marijuana for medical purposes.

The City is inviting the applicants, who have complied with DPH's regulations and have been invited to submit a Phase II DPH application, to participate in the City's Phase I RFQ/P process. The City's Phased application process is designed to help it coordinate its planning process and facilitate the implementation of the Act within the City of Springfield in accordance with the current regulations and the development of local regulations within the City. The City's intent in carrying out this process is to implement, at the local regulatory level, a careful balance of promoting appropriate access for patients with identified need, while mitigating secondary effects as to security and community impacts, including the inappropriate use and subsequent potential for diversion, as well as fiscal impacts.

RFP documents can be requested through the City's website; www.springfieldcityhall.com or in person (during normal business hours) beginning on November 4, 2015 at the Office of Procurement for no charge.

All questions regarding the RFP or its specifications must be made in writing and received by the Office of Procurement on or before November 18, 2015 by 4:00 PM in order to be considered. Responses to questions will be in the form of numbered addenda issued from the Office of Procurement.

Note: to newspaper: Insert the above advertisement in the Springfield Union-News ONLY under the heading "Legal Notice" on the following date: **November 6, 2015**

Phone: 413-784-4898 - Reference: 4137836285 – RFP/Q No.16-090

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Section 1. Introduction.

A. Overview and Description of Opportunity

Through this Phase I Request for Qualifications/Request for Proposals (“**Phase I-RFQ/P**”), the City of Springfield, Massachusetts (the “**City**”) seeks to obtain information and pre-qualify enterprises desirous of participating in the City’s Phase II-RFP process, the purpose of which will be to select one or more enterprises with whom the City will negotiate and execute a Host Community Agreement (“**HCA**”) agreement for the development, construction, and operation of a Medical Marijuana Treatment Center (“**MMTC**”) project (the “**Project**”) within the City in accordance with applicable laws and regulations. This RFQ/RFP is intended to provide a public selection process but is not issued pursuant to Mass. Gen. Laws Ch. 30B.

Pursuant to Chapter 369 of the Acts of 2012- November 6, 2012, Ballot Question 3, “*An Initiative Petition for a Law for Humanitarian Medical Use of Marijuana*” and any regulations promulgated thereunder (See the regulations promulgated by the Commonwealth Department of Public Health (“**DPH**”) to implement the medical use of marijuana - 105 CMR 725.000) (collectively, the “**Act**”), Massachusetts became the 18th state in the nation in addition to the District of Columbia to approve the use of marijuana for medical purposes.

The Act eliminates state criminal and civil penalties for the medical use of marijuana by qualifying patients. In order to qualify, a patient must have been diagnosed with a “debilitating medical condition” which is defined in the statute as “...cancer, glaucoma, AIDS or HIV, Hepatitis C, ALS, Crohn’s disease, Parkinson’s disease, Multiple Sclerosis, and other conditions as determined in writing by a qualifying patient’s physician.” Patients must have obtained a written certification from a physician with whom the patient has a *bona fide* physician-patient relationship. This certification must state the patient’s specific debilitating medical condition and symptoms. Additionally, this certificate must state that the potential benefits of the medical use of marijuana outweigh any associated health risks for the patient.

The Act allows MMTCs to cultivate, process, and provide medical marijuana to patients or their caregivers. A treatment center must be a non-profit and apply for a DPH registration by complying with several mandates that include paying a fee, identifying a location with up to one additional location, and submitting operating procedures to DPH that include cultivation and storage of marijuana only in enclosed and locked facilities. A treatment center’s personnel, known as “dispensary agents,” must be registered with DPH prior to working or volunteering at a center. Dispensary agents must be at least 21 years of age and have no prior felony drug convictions. Per

the Act, a Criminal Offender Record Information (CORI) check of these employees must be done.

In calendar year 2013, DPH may register up to 35 treatment centers statewide, with a minimum of one but no more than five centers per county. This number can be modified by DPH in later years. DPH is utilizing a two-phased process. The DPH is currently accepting Phase 1 application forms for Registered Marijuana Dispensaries (“RMD”) on a rolling basis. The list of current applicants includes the name of the non-profit corporation, a contact person (if provided) and the first county of preference for the RMD location. The total number of current applications is 111.

Under the DPH Phase 1 process, dispensary applicants are reviewed for, among other things, non-profit status and financial viability. Applicants were required to report whether any member of their proposed organization has a felony drug conviction.

Applicants who met the DPH qualifications in Phase 1 are eligible to proceed to the DPH Phase 2 process where a selection committee will conduct an in-depth review and select dispensaries through a competitive process. The DPH committee will evaluate and score DPH Phase 2 applications based on such factors as appropriateness of the site, geographical distribution of dispensaries, local support, and the applicant’s ability to meet the overall health needs of registered patients, while ensuring public safety. As part of the DPH process, 105 CMR 725.100(B)(2) a DPH Applicant who receives notice from DPH that it may proceed to the DPH Phase 2 application process, must notify a City in which an RMD would be sited of its intent to submit a Phase 2 application.

The City is inviting the applicants, who have complied with DPH’s regulations and have been invited to submit a Phase II DPH application, to participate in the City’s Phase I RFQ/P process. The City’s Phased application process is designed to help it coordinate its planning process and facilitate the implementation of the Act within the City of Springfield in accordance with the current regulations and the development of local regulations within the City. The City’s intent in carrying out this process is to implement, at the local regulatory level, a careful balance of promoting appropriate access for patients with identified need, while mitigating secondary effects as to security and community impacts, including the inappropriate use and subsequent potential for diversion, as well as fiscal impacts.

B. City Background

Settled in 1636, the City has several historic and distinct neighborhoods, which earned it the nickname of the “City of Homes”. The City is also known as the “City of Firsts”. The first gasoline powered automobile was built in Springfield by J. Frank and Charles E. Duryea in 1891. The City is the birthplace of basketball. The Basketball Hall of Fame borders I-91 and is adjacent to the Connecticut River, which separates Springfield and West Springfield.

The City has approximately 150,000 residents. The Springfield Metropolitan Statistical Area has approximately 698,000 residents. The City is the third largest city in Massachusetts with only Boston and Worcester being larger. It is located along the Connecticut River about 25 miles north of Hartford, Connecticut; 50 miles west of Worcester, Massachusetts; 80 miles east of Albany, NY; 85 miles northwest of Providence, RI; 90 miles west of Boston, Massachusetts; and 140 miles northeast of New York City. The City’s 2012 median household income is just under \$40,000.

Leading employers in the City include Baystate Health System and Baystate Medical Center (over 12,400 employees combined), Massachusetts Mutual Financial Group (5,000 employees), Mercy Medical Center (3,000 employees) and Weldon Rehabilitation Hospital (3,000 employees). Two major highways, I-91 and I-391, promote travel within the metropolitan region.

C. Potential Project Sites

The Phase I DPH process is not site specific. As part of the RFQ/P process, the City does expect to impose location restrictions on the Project. The City expects that any proposed Project will take into account potential impacts on and compatibility with the area surrounding the Project. In February of 2014, the City of Springfield adopted new zoning regulations as discussed in this Section of this RFP/Q. A copy of the zoning, Article 4, Section 4.7.100, is attached as Exhibit C.

At this time, DPH applicants have only provide general information as to potential sites. No specific site information has been formally submitted. The notices provided to the City pursuant to DPH regulations are not site specific. As part of the City’s Phase I process, enterprises interested in qualifying for the City’s Phase II will be required to identify a specific site.

The Pioneer Valley Planning Commission (PVPC) worked with a number of Cities and Towns in the Region, including the City of Springfield, to prepare a Model Zoning Bylaw/Ordinance. The City participated in these meetings with the PVPC and a draft of a model Zoning Bylaw/Ordinance was issued. The City used this draft as a template and, as noted above, passed a new Medical Marijuana Zoning Ordinance in February 2014. Copies of those regulations, Article 4, Section 4.7.100, are attached as Exhibit C to the RFQ/P. As anticipated, these final regulations include a “buffer zone” whereby no MMTC use or cultivation activities shall be located within a specified distance of a property line, the exact distance or distances to be determined) where activities or uses occur such as a school, child care, or other places where minors frequent, (e.g. a library, ball field, family recreation facility, religious facility or the like); other MMTC’s, drug or alcohol treatment facility, correctional facility, half-way house or similar facility, or any establishment licensed under the provisions of General Laws, Chapter 138 or other land uses which are potentially incompatible with MMTC facilities.

In addition, the City is aware that General Laws Chapter 40A, Section 3 extends certain protections to agricultural uses and that General Laws Chapter 128, Section 1A defines agriculture.

The City is also aware that under 105 CMR 725.100 (A)(4) a MMTC may not have more than two locations in Massachusetts at which marijuana is cultivated, Marijuana-Infused Product's ("MIP's") are prepared, and marijuana is dispensed. Each of these activities may occur at only one such location, which may be either the MMTC principal place of business or one DPH approved alternate Massachusetts location, but not both.

In addition to the City's zoning regulations, a number of other aspects will be considered in this process including:

- Only a qualified non-profit can apply for a Registered Marijuana Dispensary (RMD), which includes cultivation, processing and dispensing.
 - The RMD can cultivate, process and dispense on a single site, or can cultivate it on one site and sell it on another site. However, the City has security concerns about cultivating on one site and processing or dispensing on another.
 - One qualified non-profit can apply for up to 3 separate RMDs which can share cultivation facilities or each can have its own cultivation site.
 - An RMD can either cultivate and sell, or just sell but must provide its Medical Marijuana (MM) from another RMD that cultivates which is owned by the same non-profit.
 - One non-profit RMD may not buy cultivated MM from another non-profit's RMD except in emergencies as specified DPH regulations.
- DPH will be approving RMDs geographically (i.e. spread across the state to provide them within easy access to all communities (reducing hardship cultivation) rather than demographically (i.e. where the population concentrations are).
 - RMDs will likely have smaller facilities in areas serving areas with smaller populations and larger facilities when serving the areas of concentrated populations
- Production of medical marijuana is an industrialized process that must take place in highly secured, climate controlled structures 24 hours/day, 7 days/week, 52 weeks/year. Production is not just cultivating the plants but also processing of the marijuana into various forms for application (smoked, eaten, rubbed on, vaporized, etc.).
 - Production facilities should be directed to areas where the City has large (perhaps already vacant) buildings, likely an Industrial or Heavy Business Zone.
- Because Medical Marijuana Dispensaries serve an extremely limited clientele (must be a Qualifying Patient registered with the Massachusetts Department of Public Health) and not the general public, they don't need to be located on a main street or even necessarily in a neighborhood commercial district. They are a specific destination for a specific limited clientele and do not need exposure for attracting impulse shoppers.
- Dispensaries will have to have the same high level of security as production facilities (cameras, fencing, secured windows, etc.) and may not be in character with downtowns and other neighborhood commercial districts. It is anticipated that the DPH will provide Guidance Documents for use by City officials to implement these provisions of the Act.

- Local regulations will include provisions to address health related standards for MIP's as well as the proper disposal of any wastes, and public safety related issues as to fire and security. These concerns will be addressed in an HCA or other local regulations that may be deemed reasonable and necessary as well as appropriate monitoring of operations for compliance with such terms or regulations.
- The Act and regulations provide for "hardship cultivation" at home can occur under certain circumstances, and that physical incapacity to access transportation, or the lack of a MMTC within a reasonable distance of a patient's residence, as well as financial hardship will part of the criteria for allowing hardship cultivation. Such cultivation is likely to present one of the greatest challenges with regard to the necessity to properly balance access with security and community impacts. The DPH regulations require MMTC's to have a program to provide reduced cost or free marijuana with documented verified financial hardship. It is anticipated that the DPH will provide Guidance Documents for use by City officials to implement these provisions of the Act.
- Whether Home Delivery is going to be part of the Business Model:
 - Requiring Qualified Patients to take public transit to dispensaries could put them at risk (riding on the bus (or even walking) with large amounts of cash/marijuana).
 - Home Delivery may reduce the need for hardship cultivation
 - What security measures will be undertaken to guard against the dangers associated with Home Delivery.

D. Selection Criteria

Phase I-RFQ/P

The purpose of the Phase I-RFQ/P is to pre-qualify enterprises desirous of participating in the City's Phase II-RFP selection process. Each proposal submitted in response to the Phase I-RFQ/P will be evaluated by the City's Internal Review Group as determined by the Mayor and no qualified applicants in Phase I will be disqualified from participating in Phase II.

The City does not intend on entering into any HCA with an enterprise desirous of locating an MMTC in the City that has not complied with the DPH regulation notification requirements and has not participated in the City's two-phased process. Any HCA that is negotiated after completion of the City's Phase II RFP process will be utilized in the City's planning process and incorporated into any Special Permit or other local permitting Conditions or Requirements.

Phase I will require a proposer's response to address the following criteria (such criteria are not necessarily listed in order of importance) with respect to the Project the proposer offers to develop:

- Background, reputation and expertise of the proposer in designing, developing and operating MMTC's or complexes similar to the Project proposed to be located in the City;

- A summary of anticipated fiscal impacts of the proposal on the City of Springfield; and
- Detailed concept of proposer's Project, including whether the proposer intends on seeking a license for the production and/or sale of marijuana for recreational purposes, in the event that the Commonwealth of Massachusetts enacts a law allowing such activity in the future.

In addition, the City may consider any and all relevant information about the proposer known to the City.

Phase II-RFP

The purpose of the Phase II-RFP process will be to select from qualified responders to the Phase I-RFQ/P process, one or more enterprises with whom the City will negotiate, and if such negotiations are successful, execute an agreement for the Project, and issue a letter of non-opposition or support for the Project to DPH. Each proposal submitted in response to the Phase II-RFQ/P is expected to be evaluated based on the quality of the response to criteria to be established in the Phase II-RFQ/P. It currently is anticipated that each City RFP Phase II applicant will be asked to submit a complete copy of its filing with the DPH Phase II process as part of the City's review and negotiation of an HCA, as well as a narrative proposal addressing, at a minimum, the following criteria:

- Background, reputation and expertise of the proposer in designing, developing and operating complexes similar to the Project proposed to be located in the City;
- Specific design of, and construction budget for, the Project, setting forth
 - Components of proposed operation, including square footage estimates planned to be used for cultivation, dispensary, and other components of the Project;
 - Conceptual Site Plan (indicating proposed customer and employee parking, dumpster locations, security fencing, lighting, signage, etc.)
 - Accessibility of the proposer's Project to highways and major thoroughfares;
- Proposer's plans for mitigating adverse impacts of the Project on the City, its citizenry and on the City's infrastructure and services including, without limitation, plans for mitigating traffic, increased demands on the City's services including but not limited to increased demands on the City's police, fire, emergency and health related services;
- Security measures proposed to address the City's law enforcement priorities with regard to:
 - Preventing the distribution of marijuana to minors other than as allowed by state law and regulations;

- Preventing revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels;
 - Preventing the diversion of marijuana from states where it is legal under state law in some form to other states;
 - Preventing state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;
 - Preventing violence and the use of firearms in the cultivation and distribution of marijuana;
 - Preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use;
 - Preventing growing or use of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production or use on public lands; and Preventing marijuana possession on City property.
- A detailed report concerning the estimated fiscal impacts of the proposal on the City of Springfield, including, the types of, and the duration of, such costs or benefits;
 - Ability of the proposer to meet or exceed the criteria and objectives for obtaining a DPH license under the Act;
 - Proposer's willingness to offer inducements, incentives or other benefits to the City to mitigate any secondary effects associated with the Project;
 - Proposer's plan for marketing the Project;
 - Compatibility of the proposer's Project with potential adjacent and neighboring businesses or residential neighborhoods, including odor related issues;
 - Proposer's plans for mitigating social issues associated with the Project; and
 - Estimates of revenues, expenses and income from the operation of the Project;
 - Proposer's plans (if any) for the production and/or sale of marijuana for recreational purposes in the event that the Commonwealth of Massachusetts enacts a law allowing such activity in the future.

However, the City is contemplating the use of a consultant to provide expert assistance in consideration of the Phase II applications and negotiation of agreements to assure that the criteria used and terms of any agreement are consistent with best practices within the industry insofar as addressing the City's concerns about land use regulation, public health, safety, and monitoring of operations for compliance with local regulations. As such, the City will be requesting that any applicant agree to cover the costs of retaining such an expert. It is also anticipated that any agreement, or regulations imposed, will include an annual fee to cover the costs of monitoring. In

addition, the City may consider any and all relevant information about the proposer known to the City and any other criteria that may be set forth in the City's Phase II-RFP.

E. Timetable

Unless otherwise specified, the time of day for the following events shall be between 9:00 a.m. and 4:00 p.m. Eastern Standard Time. All other times specified in this Phase I-RFQ/P are Eastern Standard Time.

The City may adjust this scheduled as it deems necessary. Notification of any adjustment to the timetable will be posted on Comm-PASS (see Section 4.B. below).

Action	Date
1. Phase I-RFQ/P issued	November 4, 2015
2. Written questions from interested proposers concerning Phase I- RFQ/P	November 18, 2015
3. Written responses from City to questions submitted provided through numbered addenda to RFP plan holders	November 25, 2015
4. Phase I-RFQ/P Responses due by 2:00 p.m.	December 2, 2015
5. City reviews responses and issues Phase II – RFP to qualified responders	December 14, 2015
6. City holds information meeting for participants in Phase II-RFP	January 4, 2016
7. Public Presentations by Applicants	January 14, 2016
8. Responses to Phase II-RFP due by 2:00 p.m.	January 21, 2016
9. City announces name of proposer qualifying for right to negotiate agreement	January 28, 2016
10. City negotiates terms of agreement with proposer	January 29, 2016 to February 22, 2016
11. City issues letter of non-opposition/support and enters into agreement with proposer, subject to full licensure by the state DPH and special permit approval under City of Springfield Zoning Ordinance	March 9, 2016

Section 2. Response Requirements.

A. Specific Submittal Requirements

Each response to the Phase I-RFQ/P must address, in detail, each of the items listed below. To the extent the proposer is a newly formed or to-be-formed entity, the responses should be provided from the main operating entity and/or its significant business units:

1. The name of the proposer, the contact person and the contact person's business address, telephone and facsimile numbers and e-mail address.
2. A brief description of proposer and its business including names and biographies of its officers, directors, and key personnel, or persons serving in similar capacities.
3. A description of proposer's experience during the last ten (10) years in developing MMTC's or similar projects. For each such project, include the name and location, the total dollar investment, components of each facility, including square footage, security measures, total revenues for the last three (3) years, number of full-time employees, and approximate size of the site on which the project is located.
4. A brief description of any MMTC projects which proposer has publicly announced that proposer is in the process of acquiring, developing or proposing to acquire or develop. Include the same information being requested in item 3, above, to the extent applicable.
5. An indication as to whether proposer or its representatives have visited the City at any time during the last six (6) months for the purpose of determining whether the City would be suitable for the development of the Project, and a description of any findings as to the City's as to suitability.
6. An indication of the minimum amount of land proposer reasonably believes it will require for the Project.
7. An indication of the amount of land the proposer currently has under control in the City for the Project and/or proposer reasonably will be able to have under control within the next ninety (90) days. If proposer reasonably believes it will require the assistance of the City or one of its instrumentalities in order to obtain title to such land, please so indicate. Do not indicate the location or description of any site proposer controls, is attempting to control or will attempt to control until such site has been disclosed to the DPH.
8. A description of proposer's currently available sources of financing for all or a portion of the total costs of the Project, the dollar amount of any such currently available financing and the extent to which proposer reasonably

believes such currently available financing will be committed to projects other than the Project over the next twenty-four (24) months.

9. An organizational chart for the proposer listing all principal entities and business units. For any non-public companies, a list of the names of the ultimate individual owners, their business backgrounds and a description of their role in the enterprise. For publicly traded companies, a list of stockholders owning 5% or more of the publicly traded company. If proposer currently has or expects to have local partners who will have an ownership in the entity developing the Project, that same information must be provided.
10. If the entity developing the Project or its affiliate will not be managing the Project, indicate the name of the management company and key personnel and a description of its experience in managing MMTC's. Such description must include the name and location of all projects managed, the components as to cultivation, processing and dispensing, total revenues for the last three (3) years, and number of full-time and part time employees.
11. With respect to: (i) the entity proposing to develop the Project; (ii) the management company who will be managing the Project (if not an affiliate of the developer); and (iii) their respective affiliates, list the jurisdictions where each are currently or have been licensed. For each such jurisdiction please indicate whether any license has been suspended, revoked or terminated. A description of proposer's experience in negotiating host community agreements and the types and amounts of fees, arrangements and other contributions made to each such community.¹³ A brief description of proposer's concept of the Project including major components, including site plans and renderings (if available) to the extent already made public. A summary of anticipated fiscal impacts of the proposal on the City of Springfield, including anticipated tax payments.

B. General Submission Instructions

Complete responses must be submitted by the date listed in the Timetable, Section 1.F., no later than 2:00 p.m., Eastern Standard Time. Responses may not be e-mailed or faxed to the City. Responses must be submitted by mail, courier or hand-delivered to:

City of Springfield Office of Procurement
Attn: Lauren Stabilo, CPO
36 Court Street, Room 307
Springfield, MA 01103

The proposer must submit:

- ten (10) hard copies of its complete response assembled in three-ring binders of a type which may be opened and individual pages may be removed. Each separate page must clearly set forth the proposer's name and date of submission in case the pages are separated from the binders;
- one (1) electronic copy of its complete response on a CD-ROM or flash drive;
- a fully executed release in the form attached hereto as Exhibit B; and
- a cashier's check made payable to the "City of Springfield" in the amount of Two Thousand and no/100 dollars (\$2,000.00). To cover the estimated cost of the City's Phase I evaluation.

Section 3. Evaluation Process.

A. Response Review and Evaluation

1. Compliance with Submission Instructions

All Phase I-RFQ/P responses will be reviewed by the City to determine compliance with the response submission instructions described in Section 2 hereof. For those responses that comply with the response submission instructions, an evaluation committee designated by the Mayor will review the response. The evaluation committee may be assisted by the City's consultants and various City departments.

2. Evaluation of Responses

The Phase I-RFQ/P responses will be evaluated based on the criteria described in Section 1.D. hereof.

3. Non-Qualifying Responses

The City reserves the right to reject a response at any time during the evaluation process if the response:

- Fails to demonstrate to the City's satisfaction that it meets all Phase I-RFQ/P requirements; or
- Fails to submit all required information or otherwise satisfy all response requirements in Section 2; or
- Is not in accordance with the best interest of the public.

4. Clarifications

The City reserves the right to contact a proposer after the submission of a response for the purpose of clarifying a response to ensure mutual understanding. This contact may include written questions, interviews, site visits, or requests for corrective pages in the response. Responses must be submitted to the City within the time specified in the request. Failure to comply with requests for additional information may result in rejection of the response as noncompliant.

Section 4. Additional Terms and Conditions.

A. Issuing Office

This Phase I-RFQ/P is issued by:

City of Springfield Office of Procurement
Attn: Theo G. Theocles, Esq. Deputy Procurement Officer
theocles@springfieldcityhall.com
City of Springfield Office of Procurement
36 Court Street, Room 307
Springfield, MA 01103
(413) 787- 6284

B. City Website:

Proposers are solely responsible for obtaining all information distributed for this Phase I RFQ/P through the City of Springfield Office of Procurement. All questions, Requests for Information, Requests for Clarification or other communications regarding this RFP/Q should be directed to the Office of Procurement, Attention: Theo Theocles, Deputy Procurement Officer.

It is each proposer's responsibility to confirm receipt of any addenda, if issued, or modifications to this RFQ/P with the Office of Procurement.

The City accepts no responsibility and will provide no accommodation to proposers who submit a response based on an out-of-date Solicitation or on information received from a source other than the City of Springfield through numbered addendum.

Addenda and other documents relevant to this procurement will be distributed to all known RFP/Q Plan holders. It is the responsibility of the vendor/proposer to visit Contact the Office of Procurement for confirmation of all Addenda.

C. Prohibited Communications

Proposers may contact Theo Theocles, Deputy Procurement Officer with any written questions regarding this Phase I-RFQ/P, pursuant to Section 4.H below. Except as indicated in the previous sentence and in Section 4.H. below, Proposers are prohibited from communicating directly with any employee of the City regarding this Phase I-RFQ/P and no other individual

City employee or representative is authorized to provide any information or respond to any question or inquiry concerning this Phase I-RFQ/P.

D. Phase I-RFQ/P Copies

Proposers may request a copy of the Phase I-RFQ/P, or any of its components in person at the Office of Procurement during normal business hours or by visiting the City's Website (under "Procurement"; www.springfieldcityhall.com for no charge, and searching for the solicitation number as noted on the front page of this document.

E. Phase I-RFQ/P Questions

Proposers may submit written questions concerning this Phase I-RFQ/P until no later than the date and time specified in Section 1.E., above. Written inquiries must be sent to the address listed in Section 4.A., above, by fax to 413.787.6295 or by e-mail to ttheocles@springfieldcityhall.com.

The City will review written questions inquiries received on or before the deadline for questions, and, at its discretion, prepare written responses to questions which the City determines to be of general interest and that help to clarify the Phase I-RFQ/P. Any written response will be posted on the City website. Only written responses will be binding on the City.

F. Amendment or Withdrawal of Phase I-RFQ/P

If the City decides to amend or clarify any part of this Phase I-RFQ/P, a written addendum will be posted on the City website, and will be sent to all firms who register with the City as having taken a copy of the Phase I RFQ/P. Proposers are cautioned to check this site regularly, as this will be the primary method used for notification of changes. The City reserves the right to amend the Phase I-RFQ/P at any time prior to the deadline for submission of responses and to terminate this procurement in whole or in part at any time before or after submission of responses.

G. Costs

The City will not be responsible for any costs or expenses incurred by proposers preparing responses to this Phase I-RFQ/P.

H. Public Records

Upon conclusion of this process, all responses and related documents submitted in response to this Phase I-RFQ/P may be considered public records and as such be subject to the Massachusetts Public Records Law, M.G.L. c. 66, § 10 and M.G.L. c. 4, § 7 subsection 26. Any statements in submitted responses that are inconsistent with these statutes will be disregarded.

Proposers are encouraged to familiarize themselves with the Massachusetts Public Records Law before submitting a response. Any request for confidential treatment of information must be included in the response. The proposer must enumerate the specific grounds in the Public Records Law, which support treatment of the material as exempt from

disclosure and explain why disclosure is not in the best interest of the public. The request for confidential treatment of information must also include the name, address, and telephone number of the person authorized by the proposer to respond to any inquiries by the City concerning the confidential status of the materials. The City makes no representation that requests for confidential treatment of documents will be accepted, if the documents are not exempt from the statutory definition of public records.

Any response submitted which contains confidential information must be conspicuously marked on the outside as containing confidential information, and each page upon which confidential information appears must be conspicuously marked as containing confidential information. Identification of the entire proposal as confidential may be deemed non-responsive and may disqualify the proposer. **If the proposer designates any portion of the Phase I-RFQ/P as confidential, the proposer must submit one copy of the proposal from which the confidential information has been excised. This excised copy is in addition to the number of copies requested in the "Response Requirements – General Submission Instructions" section of this Phase I-RFQ/P. The confidential material must be excised in such a way as to allow the public to determine the general nature of the material removed and to retain as much of the proposal as possible.**

I. Reservations

The City reserves the right to reject all responses and to waive any defects. The City may seek clarification of the response from a proposer at any time, and failure to respond may be cause for rejection. Clarification is not an opportunity to change the response. Submission of a proposal confers no rights other than a right to be considered to be selected to participate in the Phase II-RFP. This process is for the City's benefit only and is to provide the City with competitive information to assist it in its selection process. All decisions on compliance, evaluation, terms and conditions shall be made solely at the City's discretion and made to favor the City.

J. Discrepancies and Inconsistencies

The City reserves the right to waive or permit cure of discrepancies and inconsistencies in the proposal if it is in the City's best interest to do so.

K. Verification of Responses

Responses are subject to verification. Misleading or inaccurate responses may result in disqualification.

L. Information from other Sources

The City reserves the right to obtain and consider information from other sources concerning a proposer, such as, among other sources, the proposer's capability and performance under host community agreements with other jurisdictions.

M. Criminal History and Background Investigation

The City reserves the right to conduct criminal history and other background investigation of any proposer, its officers, directors, owners, shareholders or partners and managerial and supervisory personnel retained by the proposer.

N. Applicable Law

This Phase I-RFQ/P and the host community agreement are to be governed by the laws of the Commonwealth of Massachusetts. Changes in applicable laws and rules may affect the selection process or the host community agreement. Proposers are responsible for ascertaining pertinent legal requirements and restrictions.

O. No Guaranty

This Phase I-RFQ/P does not constitute an offer of any nature or kind whatsoever to any proposer or its agents. The selection of a proposer whether in the Phase I-RFQ/P or the Phase II-RFP does not constitute a binding agreement and the selection of a proposer does not mean that its responses are totally acceptable to the City in every respect or in the form submitted. After completion of the Phase II-RFP selection, the City has the right to negotiate with the successful proposer and, as part of that process, to negotiate changes, amendments or modifications to any of the successful proposer's responses without offering any other proposer the right to amend their response.

P. Duty to Disclose Changes in Information included in a Response

Each proposer is under a continuing duty to disclose promptly any changes in information provided in its response or any related materials submitted in connection therewith.

Q. Proposers Agree to all Terms and Conditions of this Phase I-RFQ/P

By submitting a response to the Phase I-RFQ/P, a proposer is deemed to agree to abide by all of the terms, conditions, policies and rules of this Phase I-RFQ/P.

EXHIBIT A

THE ACT

Chapter 369 of the Acts of 2012- (Question 3 ballot initiative)

Be It Enacted By The People And By Their Authority:

Section 1. Purpose and Intent.

The citizens of Massachusetts intend that there should be no punishment under state law for qualifying patients, physicians and health care professionals, personal caregivers for patients, or medical marijuana treatment center agents for the medical use of marijuana, as defined herein.

Section 2. As used in this Law, the following words shall, unless the context clearly requires otherwise, have the following meanings:

(A) “Card holder” shall mean a qualifying patient, a personal caregiver, or a dispensary agent of a medical marijuana treatment center who has been issued and possesses a valid registration card.

(B) “Cultivation registration” shall mean a registration issued to a medical marijuana treatment center for growing marijuana for medical use under the terms of this Act, or to a qualified patient or personal caregiver under the terms of Section 11.

(C) “Debilitating medical condition” shall mean:

Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome (AIDS), hepatitis C, amyotrophic lateral sclerosis (ALS), Crohn’s disease, Parkinson’s disease, multiple sclerosis and other conditions as determined in writing by a qualifying patient’s physician.

(D) “Department” shall mean the Department of Public Health of the Commonwealth of Massachusetts.

(E) “Dispensary agent” shall mean an employee, staff volunteer, officer, or board member of a non-profit medical marijuana treatment center, who shall be at least twenty-one (21) years of age.

(F) "Enclosed, locked facility" shall mean a closet, room, greenhouse, or other area equipped with locks or other security devices, accessible only to dispensary agents, patients, or personal caregivers.

(G) "Marijuana," has the meaning given "marihuana" in Chapter 94C of the General Laws.

(H) "Medical marijuana treatment center" shall mean a not-for-profit entity, as defined by Massachusetts law only, registered under this law, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.

(I) "Medical use of marijuana" shall mean the acquisition, cultivation, possession, processing, (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfer, transportation, sale, distribution, dispensing, or administration of marijuana, for the benefit of qualifying patients in the treatment of debilitating medical conditions, or the symptoms thereof.

(J) "Personal caregiver" shall mean a person who is at least twenty-one (21) years old who has agreed to assist with a qualifying patient's medical use of marijuana. Personal caregivers are prohibited from consuming marijuana obtained for the personal, medical use of the qualifying patient.

An employee of a hospice provider, nursing, or medical facility providing care to a qualifying patient may also serve as a personal caregiver.

(K) "Qualifying patient" shall mean a person who has been diagnosed by a licensed physician as having a debilitating medical condition.

(L) "Registration card" shall mean a personal identification card issued by the Department to a qualifying patient, personal caregiver, or dispensary agent. The registration card shall verify that a physician has provided a written certification to the qualifying patient, that the patient has designated the individual as a personal caregiver, or that a medical treatment center has met the terms of Section 9 and Section 10 of this law. The registration card shall identify for the Department and law enforcement those individuals who are exempt from Massachusetts criminal and civil penalties for conduct pursuant to the medical use of marijuana.

(M) "Sixty-day supply" means that amount of marijuana that a qualifying patient would reasonably be expected to need over a period of sixty days for their personal medical use.

(N) "Written certification" means a document signed by a licensed physician, stating that in the physician's professional opinion, the potential benefits of the medical use of marijuana would likely outweigh the health risks for the qualifying patient. Such certification shall be made only in the course of a bona fide physician-patient relationship and shall specify the qualifying patient's debilitating medical condition(s).

Section 3. Protection from State Prosecution and Penalties for Health Care Professionals

A physician, and other health care professionals under a physician's supervision, shall not be penalized under Massachusetts law, in any manner, or denied any right or privilege, for:

- (a) Advising a qualifying patient about the risks and benefits of medical use of marijuana; or
- (b) Providing a qualifying patient with written certification, based upon a full assessment of the qualifying patient's medical history and condition, that the medical use of marijuana may benefit a particular qualifying patient.

Section 4. Protection From State Prosecution and Penalties for Qualifying Patients and Personal Caregivers

Any person meeting the requirements under this law shall not be penalized under Massachusetts law in any manner, or denied any right or privilege, for such actions.

A qualifying patient or a personal caregiver shall not be subject to arrest or prosecution, or civil penalty, for the medical use of marijuana provided he or she:

- (a) Possesses no more marijuana than is necessary for the patient's personal, medical use, not exceeding the amount necessary for a sixty-day supply; and
- (b) Presents his or her registration card to any law enforcement official who questions the patient or caregiver regarding use of marijuana.

Section 5. Protection From State Prosecution and Penalties for Dispensary Agents.

A dispensary agent shall not be subject to arrest, prosecution, or civil penalty, under Massachusetts law, for actions taken under the authority of a medical marijuana treatment center, provided he or she:

- (a) Presents his or her registration card to any law enforcement official who questions the agent concerning their marijuana related activities; and
- (b) Is acting in accordance with all the requirements of this law.

Section 6. Protection Against Forfeiture and Arrest

(A) The lawful possession, cultivation, transfer, transport, distribution, or manufacture of medical marijuana as authorized by this law shall not result in the forfeiture or seizure of any property.

(B) No person shall be arrested or prosecuted for any criminal offense solely for being in the presence of medical marijuana or its use as authorized by this law.

Section 7. Limitations of Law

(A) Nothing in this law allows the operation of a motor vehicle, boat, or aircraft while under the influence of marijuana.

(B) Nothing in this law requires any health insurance provider, or any government agency or authority, to reimburse any person for the expenses of the medical use of marijuana.

(C) Nothing in this law requires any health care professional to authorize the use of medical marijuana for a patient.

(D) Nothing in this law requires any accommodation of any on-site medical use of marijuana in any place of employment, school bus or on school grounds, in any youth center, in any correctional facility, or of smoking medical marijuana in any public place.

(E) Nothing in this law supersedes Massachusetts law prohibiting the possession, cultivation, transport, distribution, or sale of marijuana for nonmedical purposes.

(F) Nothing in this law requires the violation of federal law or purports to give immunity under federal law.

(G) Nothing in this law poses an obstacle to federal enforcement of federal law.

Section 8. Department to define presumptive 60-day supply for qualifying patients.

Within 120 days of the effective date of this law, the department shall issue regulations defining the quantity of marijuana that could reasonably be presumed to be a sixty-day supply for qualifying patients, based on the best available evidence. This presumption as to quantity may be overcome with evidence of a particular qualifying patient's appropriate medical use.

Section 9. Registration of nonprofit medical marijuana treatment centers.

(A) Medical marijuana treatment centers shall register with the department.

(B) Not later than ninety days after receiving an application for a nonprofit medical marijuana treatment center, the department shall register the nonprofit medical marijuana treatment center to acquire, process, possess, transfer, transport, sell, distribute, dispense, and administer marijuana for medical use, and shall also issue a cultivation registration if:

1. The prospective nonprofit medical marijuana treatment center has submitted:

(a) An application fee in an amount to be determined by the department consistent with Section 13 of this law.

(b) An application, including:

(i) The legal name and physical address of the treatment center and the physical address of one additional location, if any, where marijuana will be cultivated.

(ii) The name, address and date of birth of each principal officer and board member.

(c) Operating procedures consistent with department rules for oversight, including cultivation and storage of marijuana only in enclosed, locked facilities.

2. None of the principal officers or board members has served as a principal officer or board member for a medical marijuana treatment center that has had its registration certificate revoked.

(C) In the first year after the effective date, the Department shall issue registrations for up to thirty-five non-profit medical marijuana treatment centers, provided that at least one treatment center shall be located in each county, and not more than five shall be located in any one county.

In the event the Department determines in a future year that the number of treatment centers is insufficient to meet patient needs, the Department shall have the power to increase or modify the number of registered treatment centers.

(D) A medical treatment center registered under this section, and its dispensary agents registered under Section 10, shall not be penalized or arrested under Massachusetts law for acquiring, possessing, cultivating, processing, transferring, transporting, selling, distributing, and dispensing marijuana, products containing marijuana, and related supplies and educational materials, to qualifying patients or their personal caregivers.

Section 10. Registration of medical treatment center dispensary agents.

(A) A dispensary agent shall be registered with the Department before volunteering or working at a medical marijuana treatment center.

(B) A treatment center must apply to the Department for a registration card for each affiliated dispensary agent by submitting the name, address and date of birth of the agent.

(C) A registered nonprofit medical marijuana treatment center shall notify the department within one business day if a dispensary agent ceases to be associated with the center, and the agent's registration card shall be immediately revoked.

(D) No one shall be a dispensary agent who has been convicted of a felony drug offense. The Department is authorized to conduct criminal record checks with the Department of Criminal Justice Information to enforce this provision.

Section 11. Hardship Cultivation Registrations.

The Department shall issue a cultivation registration to a qualifying patient whose access to a medical treatment center is limited by verified financial hardship, a physical incapacity to access reasonable transportation, or the lack of a treatment center within a reasonable distance of the patient's residence. The Department may deny a registration based on the provision of false information by the applicant. Such registration shall allow the patient or the patient's personal caregiver to cultivate a limited number of plants, sufficient to maintain a 60-day supply of marijuana, and shall require cultivation and storage only in an enclosed, locked facility.

The department shall issue regulations consistent with this section within 120 days of the effective date of this law. Until the department issues such final regulations, the written

recommendation of a qualifying patient's physician shall constitute a limited cultivation registration.

Section 12. Medical marijuana registration cards for qualifying patients and designated caregivers.

(A) A qualifying patient may apply to the department for a medical marijuana registration card by submitting:

1. Written certification from a physician.

2. An application, including:

(a) Name, address unless homeless, and date of birth.

(b) Name, address and date of birth of the qualifying patient's personal caregiver, if any.

Section 13. Department implementation of Regulations and Fees.

Within 120 days of the effective date of this law, the department shall issue regulations for the implementation of Sections 9 through 12 of this Law. The department shall set application fees for non-profit medical marijuana treatment centers so as to defray the administrative costs of the medical marijuana program and thereby make this law revenue neutral.

Until the approval of final regulations, written certification by a physician shall constitute a registration card for a qualifying patient. Until the approval of final regulations, a certified mail return receipt showing compliance with Section 12 (A) (2) (b) above by a qualifying patient, and a photocopy of the application, shall constitute a registration card for that patient's personal caregiver.

Section 14. Penalties for Fraudulent Acts.

(A) The department, after a hearing, may revoke any registration card issued under this law for a willful violation of this law. The standard of proof for revocation shall be a preponderance of the evidence. A revocation decision shall be reviewable in the Superior Court.

(B) The fraudulent use of a medical marijuana registration card or cultivation registration shall be a misdemeanor punishable by up to 6 months in the house of correction, or a fine up to \$500,

but if such fraudulent use is for the distribution, sale, or trafficking of marijuana for non-medical use for profit it shall be a felony punishable by up to 5 years in state prison or up to two and one half years in the house of correction.

Section 15. Confidentiality

The department shall maintain a confidential list of the persons issued medical marijuana registration cards. Individual names and other identifying information on the list shall be exempt from the provisions of Massachusetts Public Records Law, M.G.L. Chapter 66, section 10, and not subject to disclosure, except to employees of the department in the course of their official duties and to Massachusetts law enforcement officials when verifying a card holder's registration.

Section 16. Effective Date.

This law shall be effective January 1, 2013.

Section 17. Severability.

The provisions of this law are severable and if any clause, sentence, paragraph or section of this measure, or an application thereof, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or application adjudged invalid.

EXHIBIT B

CONSENT AND RELEASE*

RECITALS

A. The City of Springfield, Massachusetts (the "City") is soliciting proposals and information regarding qualifications from enterprises (each, a "Proposer") desirous of entering into an agreement with the City in connection with the development, construction and operation of a Medical Marijuana Treatment Center project (a "Community Agreement") as set forth in a certain Phase I-RFQ/P dated October 1, 2015, issued by the City, together with all alterations, supplements or amendments thereto (collectively, the "RFQ/P").

B. To evaluate the personal, business and financial qualifications and professional capabilities and standing of each Proposer and its affiliates (each, a "Releasor" and collectively, the "Releasors"), the City requires certain information about each Releasor which could be considered confidential and/or proprietary ("Information").

C. The collection of Information by the City is essential to select the highest quality proposal for the City.

D. Some of the Information may be collected directly or indirectly from the Releasor and/or other Releasors.

E. Other Information will be collected directly or indirectly from others such as law enforcement agencies, courts, gaming and other regulatory bodies, former employees, and financial sources.

NOW, THEREFORE, the Releasor, in consideration of the City's accepting for review a proposal in which Releasor has an economic interest and other valuable consideration the sufficiency of which is hereby acknowledged, agree as follows:

1. The definitions contained in the RFQ/P are incorporated herein by reference.

2. The Releasor hereby consents and agrees to abide by all of the City's terms, conditions, ordinances, rules, regulations and policies concerning the RFQ/P.

3. The Releasor agrees that the City does not acknowledge or agree that any of the Information is confidential and/or proprietary.

4. Information collected may be used in at least the following ways:

* To be signed by any parent company of proposer on behalf of itself and its affiliates, if any.

- a. To evaluate Releasor's personal, financial and business history;
- b. To evaluate Releasor's personal, financial and business integrity, and criminal history, if any;
- c. To evaluate Releasor's professional qualifications and capabilities and demonstrated past performance; and
- d. Such other uses as the City reasonably believes are necessary to evaluate the Proposer and its response to the RFQ/P.

5. The City may or may not use the Information in any decision with respect to the Massachusetts Department of Public Health (DPH) and may provide this Information to the DPH.

6. Information may be shared with other state, local or federal government agencies, departments or advisors who may work with the City.

7. The City is subject to the federal law, the laws of the Commonwealth and City ordinances. The Releasor acknowledges that such laws and ordinances may provide access by third parties to the Information regarding the Releasor.

8. The Releasor and its successors and assigns, and on behalf of its affiliates and their successors and assigns, hereby release: (i) the City including all departments, agencies and commissions thereof; (ii) the City's consultants (if any); and (iii) their respective principals, agents, subcontractors, consultants, attorneys, advisors, employees, officers and directors (the "Releasees"), and hold each of them harmless from any damages, claims, rights, liabilities, or causes of action, which the Releasor ever had, now has, may have or claim to have, in law or in equity, against any or all of the Releasees, arising out of or directly or indirectly related to the (i) RFQ/P process and the selection and evaluation of proposals submitted in connection therewith; (ii) negotiation of a Community Agreement between the City and the Releasor or any other Proposer; (iii) release or disclosure or any Information whether intentional or unintentional; and (iv) use, investigation of, or processing of the Information.

9. The undersigned (i) has read and understands this Consent and Release; (ii) authorizes the direct and indirect collection of, and consents to the use and disclosure of, the Information as described herein; and (iii) represents and warrants that it has the authority to execute and deliver this Consent and Release on behalf of itself and its affiliates.

Name of Company

Dated: _____

By: _____

Name: _____

Title: _____

EXHIBIT C

ARTICLE 4, SECTION 4.7.100

Section 4.7.100 Registered Marijuana Dispensary (RMD) and Off-Site Medical Marijuana Dispensary (OMMD)

4.7.101 Purpose

It is recognized that the nature of the substance cultivated, processed, and/or sold by medical marijuana treatment centers and off-site medical marijuana dispensaries may have objectionable operational characteristics and should be located in such a way as to ensure the health, safety, and general well-being of the public as well as patients seeking treatment. The specific and separate regulation of REGISTERED MARIJUANA DISPENSARIES (hereafter referred to as a RMD) as Medical Marijuana Treatment Centers and OFF-SITE MEDICAL MARIJUANA DISPENSARY (hereafter referred to as an OMMD) facilities is necessary to advance these purposes and ensure that such facilities are not located within close proximity of minors and do not become concentrated in any one area within the City of Springfield. Subject to the provisions of this Zoning Bylaw, Chapter 40A of the Massachusetts General Laws, and 105 CMR 725.000, Registered Marijuana Dispensaries and Off-site Medical Marijuana Dispensaries will be permitted to provide medical support, security, and physician oversight that meet or exceed state regulations as established by the Massachusetts Department of Health (hereafter referred to as MDPH).

4.7.102 Additional Requirements/Conditions

In addition to the standard requirements for uses permitted by a Tier 3 Special Permit, the following shall also apply to all REGISTERED MARIJUANA DISPENSARIES and OFF-SITE MEDICAL MARIJUANA DISPENSARIES:

- A. Use:
 - 1. RMD and OMMD facilities may only be involved in the uses permitted by its definition and may not include other businesses or services.
 - 2. No marijuana shall be smoked, eaten or otherwise consumed or ingested within the premises.
 - 3. The hours of operation shall be set by the Special Permit Granting Authority, but in no event shall an RMD or OMMD facility be open to the public, and no sale or other distribution of marijuana shall occur

upon the premises or via delivery from the premises, between the hours of 8:00 p.m. and 8:00 a.m.

4. RMD facilities that can demonstrate that they comply with the agricultural exemption under M.G.L. Chapter 40A, Section 3 must still apply for Site Plan Approval.

B. Physical Requirements:

1. All aspects of the use/facility relative to the acquisition, cultivation, possession, processing, sales, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials must take place at a fixed location within a fully enclosed building and shall not be visible from the exterior of the business.
2. No outside storage is permitted.
3. No OMMD facility shall have a gross floor area in excess of five thousand (5,000) square feet.
4. Ventilation – all RMD and OMMD facilities shall be ventilated in such a manner that no:
 - a. Pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere, and
 - b. No odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the medical marijuana business or at any adjoining use or property.
5. Signage shall be displayed on the exterior of the RMD and OMMD facility's entrance in plain sight of clients stating that "Registration Card issued by the MA Department of Public Health required" in text two (2) inches in height.

C. Location:

1. No RMD and OMMD facility shall be located on a parcel which is within five hundred (500) feet (to be measured in a straight line from the nearest points of each property line) of parcel occupied by:
 - a. a public or private elementary, junior high, middle, vocational or high school, college, junior college, university or child care facility or any other use in which children commonly congregate in an organized ongoing formal basis, or
 - b. another RMD or OMMD facility, except that this limitation shall not apply in Industrial zones.
2. No RMD or OMMD facility shall be located within five hundred (500) feet of a residence, a building containing residences, (including commercial residential uses such as hotels, motels, lodging houses, etc.) or a residential zoning district.
3. No RMD or OMMD facility shall be located inside a building containing residential units, including transient housing such as lodging houses, motels and dormitories.

D. Reporting Requirements:

1. All Special Permit holders for an RMD or OMMD facility shall provide the Police Department, Fire Department, Board of Health, Building Commissioner, Zoning Administrator and the Special Permit Granting Authority with the names, phone numbers and email addresses of all management staff and key-holders, including a minimum of two (2) operators or managers of the facility identified as contact persons to whom one can provide notice if there are operating problems associated with the establishment. All such contact information shall be updated as needed to keep it current and accurate.
2. The local Building Commissioner, Board of Health, Police Department, Fire Department and Special Permit Granting Authority shall be notified in writing by an RMD or OMMD facility owner/operator/ manager:
 - a. A minimum of thirty (30) days prior to any change in ownership or management of that facility.

- b. A minimum of twelve (12) hours following a violation or potential violation of any law or any criminal or potential criminal activities or attempts of violation of any law at the RMD or OMMD.
3. Permitted RMD and OMMD facilities shall file an annual report to the Building Commissioner and Zoning Administrator no later than January 31st of each year, providing a copy of all current applicable state licenses for the facility and/or its owners and demonstrate continued compliance with the conditions of the Special Permit.
4. The owner and/or manager is required to respond by phone or email within twenty four (24) hours of contact by a city official concerning their RMD or OMMD at the phone number or email address provided by the City.

E. Issuance/Transfer/Discontinuance of Use:

1. Special Permits shall be issued for an initial period of three (3) years. If there are no violations of Section 4.7.100 and/or breaches of the conditions of the Special Permit during that time frame, the Special Permit shall be automatically renewed.
2. Special Permits shall be issued to the RMD or OMMD Operator only.
3. Special Permits shall be issued for a specific parcel.
4. Special Permits shall be non-transferable to either another RMD or OMMD Operator or parcel.
5. Special Permits shall have a term limited to the duration of the applicant's ownership/control of the premises as a RMD or OMMD, and shall lapse:
 - a. If the permit holder ceases operation of the RMD or OMMD; and/or
 - b. The permit holder's registration by MDPH expires, is suspended or is terminated.
6. The permit holder shall notify the Building Commissioner/Zoning Administrator and Special Permit Granting Authority, in writing,

within forty eight (48) hours of such lapse, suspension, cessation, discontinuance or expiration; and

7. An RMD or OMMD facility shall be required to remove all material, plants, equipment and other paraphernalia prior to surrendering its state Registration or ceasing its operation.
8. In addition to the issuance of a Special Permit, the applicant shall also be required to enter into an approved Host Community Agreement (HCA).
9. The Special Permit shall be subject to revocation for violations of Section 4.7.100 and/or breaches of the conditions of the Special Permit.

4.7.103 Application Requirements

In addition to the standard application requirements for Special Permits, such applications for an RMD or OMMD facility shall include the following:

- A. The name and address of each owner of the RMD or OMMD facility/operation;
- B. A copy of its registration as an RMD from the Massachusetts Department of Public Health or documentation that demonstrates that said RMD or OMMD facility, and its owner/operators, qualify and are eligible to receive a Certificate of Registration and meet all of the requirements of a RMD in accordance with 105 CMR 725.000 of the Massachusetts Department of Public Health.
- C. Evidence that the applicant has site control and right to use the site for a RMD or OMMD facility in the form of a deed or valid purchase and sales agreement or, in the case of a lease, a notarized statement from the property owner and a copy of the lease agreement;
- D. A notarized statement signed by the RMD or OMMD organization's Chief Executive Officer and corporate attorney disclosing all of its designated representatives, including officers, directors, shareholders, partners, members, managers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the

applicant must disclose the identity of all such responsible individual persons;

- E. In addition to Site Plan Review Submission Requirements found in Section 12.3.40, plans must also detail all exterior proposed security measures for the RMD or OMMD including but not limited to lighting, fencing, gates and alarms, etc., thus ensuring the safety of employees and patrons and to protect the premises from theft or other criminal activity.
- F. A detailed floor plan identifying the areas available and functional uses (including square footage).
- G. All signage being proposed for the facility.
- H. A traffic study to establish the RMD or OMMD impacts at peak demand times.
- I. A management plan to include a description of all activities to occur on site, including all provisions for the delivery of medical marijuana and related products to OMMDs or off-site direct delivery to patients.

4.7.104 Findings

In addition to the standard Findings for a Special Permit the Special Permit Granting Authority must also find all the following:

- A. That the RMD or OMMD facility is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest;
- B. That the RMD or OMMD facility demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations;
- C. That the applicant has satisfied all of the conditions and requirements of this Section and other applicable Sections of this Ordinance;
- D. That the RMD or OMMD project meets a demonstrated need;
- E. That the RMD or OMMD facility provides adequate security measures to ensure that no individual participant will pose a direct threat to the health

or safety of other individuals, and that the storage and/or location of cultivation is adequately secured; and

- F. That the RMD or OMMD facility adequately addresses issues of traffic demand, circulation flow, parking and queuing, particularly at peak periods at the facility and its impact on neighboring uses.