

**TOWN of NANTUCKET**  
**REQUEST FOR QUALIFICATIONS**

**Co-Located Adult Use Marijuana Retail Establishment and  
Medical Marijuana Dispensary**

**NOTICE**

The Town of Nantucket has voted to limit the number of Adult Use Marijuana Retail Establishments (“Retail Establishments”) to be located in the Town to 20% of the number of the Town’s year-round all-alcoholic beverages package store licenses; therefore, the number of Retail Establishments is limited to two (2) (pursuant to vote of October 10, 2018 Special Town Meeting). The Select Board has entered into one Host Community Agreement (“HCA”) for a Retail Establishment and one HCA for and one HCA and Letter of Support or Non-Opposition for a Medical Marijuana Dispensary. The Select Board intends to enter into one additional HCA for a Co-Located Adult Use Marijuana Establishment and Medical Marijuana Dispensary and issue one additional Letter of Support or Non-Opposition for a Dispensary.

Accordingly, the Town of Nantucket Select Board, acting through its Town Manager, seeks Requests for Qualifications (RFQ) from those interested in obtaining both an HCA, and a Letter of Support or Non-Opposition to operate a co-located Medical Marijuana Dispensary and Adult Use Marijuana Retail Establishment within the Town of Nantucket.

**SUBMISSION OF PROPOSAL**

To receive consideration, responses must be submitted in accordance with the following instructions:

1. All response submittals shall be sealed and delivered to:

C. Elizabeth Gibson – Town Manager

16 Broad Street

Nantucket, MA 02554

2. Eight hard copies of the proposal must be submitted. Each copy shall be numbered 1 through 8 and:

-- in one binder (no stapling) with a Table of Contents listing each item of the Minimum Criteria and Comparative Criteria of the RFQ, in numerical order;

-- clearly marked on the front "Co-located Adult Use Marijuana Retail and Medical Marijuana Dispensary Request for Qualifications";

-- available in electronic format, upon request.

3. Submitted by **Friday, December 28, 2018 at 2:00 pm** with a certified or bank check made out to "Town of Nantucket" in the amount of \$500.00;

4. Modifications to submissions may be submitted up to 24 hours prior to the date and time specified for receipt of submissions;

5. The proposals will be opened publicly at the place and time designated for the submission of proposals.

6 The Town reserves the right to reject any or all proposals, to waive any informalities in the proposals, and to award a Host Community Agreement in a manner that best serves the interests of the Town. Further, the Town reserves the right to cancel this RFQ at any time.

**CO-LOCATED ADULT USE MARIJUANA RETAIL and MEDICAL MARIJUANA  
DISPENSARY REQUEST FOR QUALIFICATION**

**INSTRUCTIONS TO APPLYING ENTITIES**

**I. INTRODUCTION AND BACKGROUND**

The Town of Nantucket Select Board, acting through its Town Manager, seeks Requests for Qualifications from those interested in operating a co-located Adult Use Marijuana Retail Establishment and Medical Marijuana Dispensary within the Town of Nantucket.

Chapter 334 of the Acts of 2016, entitled, “Regulation and Taxation of Marijuana Act”, as amended by Chapter 55 of the Acts of 2017, “An Act to Ensure Safe Access to Marijuana”,

and the Cannabis Control Commission regulations 935 CMR 500.000, allow the Town of Nantucket to adopt local bylaws, regulations and policies concerning local licensing and permitting of Adult Use Marijuana Establishments.

Chapter 94G Sec. 3: The “Local Control” policy includes the Town’s ability to determine the “*the time, place and manner*” of marijuana operations. To set out to establish such “Local Control,” the Town of Nantucket, through Town Meeting vote approved both a General Bylaw and Zoning Bylaw determining a cap of no more than two (2) Adult Use Marijuana Retail Licenses shall be issued by the Town of Nantucket through the Select Board.

Zoning Regulations adopted by Town Meeting vote address legal, planning, public safety issues, and potential impacts of such facilities. The Nantucket Zoning Bylaws restrict the siting of Adult Use Marijuana Retail Establishments and Medical Marijuana Dispensaries to a limited number of zoning districts and designate the Planning Board as the Special Permit Granting Authority for these uses.

In this RFQ, the following definitions shall apply:

Applying Entity: The business entity and its affiliated officers, personnel, and controlling persons, applying to the Town of Nantucket for an Adult Use Marijuana Retail License, Medical Marijuana Dispensary Letter of Support or Non-opposition, Special Permit(s), Host Community Agreement consideration and any other required local approvals.

Controlling Person: Officer, board member or other individual who has a financial or voting interest of 10% or greater in a Marijuana Establishment or Medical Marijuana Dispensary.

## **II. PROPOSAL REQUIREMENTS**

All proposals must include a check made out to the “Town of Nantucket” in the amount of \$500.00 and provide cover letter to the attention of C. Elizabeth Gibson, Town Manager signed by a Controlling Person legally authorized to bind the Applying Entity to its proposal. The letter shall include a brief overview of the Applying Entity’s approach to operate a co-located Adult Use Marijuana Retail Facility and Medical Marijuana Dispensary, with supporting documentation that includes *(in order specified below and numbered)*:

1. Name, DBA or business name; documentation of Massachusetts business registration; and required certificates of good standing;
2. Proposed address for facility; proof of property interest/site control (i.e. deed, lease or NOI to lease) and proof of the proposed location’s compliance with local zoning requirements, including location within the permitted zoning district and compliance with required buffers;
3. Contact Information for primary point of contact(s) to discuss application issues;
4. Names and resumes of all executives, managers, persons, or entities (such as the Applying Entity’s local Chief Executive Officer, Chief Financial Officer, Chief Operating Officer and Director of Security) having direct or indirect authority over management, policies or security operations, including description of prior cannabis experience for each, if applicable, and the following additional information;
  - a. experience with growing and processing cannabis in Massachusetts or similar climate conditions;
  - b. experience with growing and processing cannabis for targeted uses; testing and inspecting cannabis products;
  - c. experience with counseling patients and non-patients on cannabis use, including for medical and other conditions;
  - d. relationships with research entities, medical professionals;

- e. experience with education and support programs, including community, substance abuse prevention and mitigation, veterans support, hospice and disease support;
- f. experience with product control, diversion prevention, over-sale prevention;
- g. experience working with local governments, schools and law enforcement;
- h. experience working with local community groups and non-profits;
- i. any ties to the Nantucket community;

5. Names of persons contributing more than 10% or more of capital to operate; and description of prior cannabis experience if applicable;

6. Copies of articles of incorporation, bylaws and similar charter documents, as well as lists of officers and directors of any and all current licensed or certified medical or adult-use locations, entities or establishments, including those located in other state(s), where the Applying Entity, or any affiliated persons, controls or otherwise has an interest in the license(s);

7. All persons listed in Item 4 above shall submit an affidavit certifying that they have no outstanding or unresolved criminal proceeding, the disposition of which may result in a felony conviction, and have not been convicted of a felony or offense in Massachusetts, or a felony or offense in another state, that would result in Mandatory Disqualification or Presumption Determination of Unsuitability as set forth in 935 CMR 500.801 Table A;

8. Proposed Timeline and Development Plan (building reuse, new build) to be operational,

including local resources for building and opening facility;

9. Current Business Plan, including credit line, credit history, financing sources, financial records that show current and proposed sources of funding sufficient to demonstrate financial stability to ensure the Establishment's solvency and successful operation with a seasonal market;

10. Plan for employee staffing – number and type of jobs created, expected wage range, and potential benefit to the town;

11. List of locations where applicant already has establishment(s) in other Massachusetts communities or has pending applications. List of locations in other states where applicant has applied for or has secured licenses or permits to operate adult use retail or medical dispensary locations;
12. Plan demonstrating an ability to grow marijuana products locally and maintain supply of locally grown product for sale;
13. Summary of any support of coop/craft grower programs, if any;
14. Proposal for any additional community benefits, including non-monetary goals and local charitable benefits;
15. Copy of draft Massachusetts Cannabis Control Commission (MCCC) application for a Marijuana Retailer license and any other applicable MCCC license applications for the proposed location (e.g. marijuana cultivator or product manufacturer); and, all draft or completed submissions to the Massachusetts Department of Public Health or MCCC (as applicable) for the Applying Entity's Medical Use of Marijuana Certificate of Registration, including all application materials and notices of status change;
16. Traffic and parking plan, including for any overflow parking, emergency vehicle access, pedestrian/bicycle access, loading/delivery capacity; and, traffic study if required pursuant to local zoning;
17. Plans for exterior nuisance mitigation (including light, noise, emissions, odor, debris), minimization of water use, wastewater treatment, use of renewable energy sources; fire safety, recycling and handling of solid waste, security plan (for location, facility, interior environment, data and products), and plan for testing of product(s);
18. Proposed design and marketing options for facility, packaging and signage;
19. Demonstrated willingness to sign draft HCA with minimum terms as set forth in the form of the HCA attached to this RFQ.

### **III. EVALUATION PROCESS**

*Applying Entity must meet the following minimum application criteria to be considered:*

1. The proposal must include all the information required in Section II of this RFQ.
2. The Applying Entity shall agree, at a minimum, to the terms of the draft HCA.
3. The proposed location of the co-located Establishment shall comply with the Town's current Zoning Bylaw requirements.

***The following comparative evaluation criteria will be used to rank the applications received (that have met the minimum criteria) using ratings that allow reviewers to evaluate the proposals based on content and quality of the proposal components.***

1. Knowledge and understanding of the Adult Use Marijuana Retail and Medical Marijuana licensing procedures.

**Highly Advantageous** – Demonstrates a **superior** knowledge and understanding of the Adult Use Marijuana Retail and Medical Marijuana Dispensary licensing procedures. The proposal is well written, clearly and completely addresses the required supporting information, is comprehensive and excels in its overall approach in displaying the ability to operate an Adult Use Marijuana Retail facility and Medical Marijuana Dispensary in compliance with all rules and regulations.

**Advantageous** – Demonstrates a **thorough** knowledge and understanding of the Adult Use Marijuana Retail and Medical Marijuana Dispensary licensing procedures. The proposal is well written, clearly and completely addresses the required supporting information, is comprehensive and is adequate in its overall approach in displaying the ability to operate an Adult Use Marijuana Retail facility and Medical Marijuana Dispensary in compliance with all rules and regulations.

**Not Advantageous** – Demonstrates **less than adequate** knowledge and understanding of the Adult Use Retail Marijuana Licensing and Medical Marijuana Dispensary procedures but is less than comprehensive and is less than adequate in its approach to display the ability to operate an Adult Use Marijuana Retail facility and Medical Marijuana Dispensary in compliance with all rules and regulations.

2. Key Personnel and Prior Cannabis Experience

**Highly Advantageous** – RFQ has provided contact information for primary point of contact(s); names of executives, managers, persons, or entities having direct or indirect authority over

management, policies or security operations and names of persons contributing more than 10% or more of capital to operate, **all of whom have prior experience** in the cannabis industry.

**Advantageous** –RFQ has provided contact information for primary point of contact(s); Names of executives, managers, persons, or entities having direct or indirect authority over management, policies or security operations and names of persons contributing more than 10% or more of capital to operate **at least half of whom have prior experience** in the cannabis industry.

**Not Advantageous** – RFQ has provided contact information for primary point of contact(s); Names of executives, managers, persons, or entities having direct or indirect authority over management, policies or security operations and names of persons contributing more than 10% or more of capital to operate, **less than half of whom have prior experience** in the cannabis industry.

### 3. Business Plan

**Highly Advantageous** – Business plan displays a **superior** amount of resources and staffing to accomplish goals set forth in the Business Plan.

**Advantageous** – Business plan displays an **adequate** amount of resources and staffing to accomplish goals set forth in the Business Plan.

**Not Advantageous** – Business plan displays a **fair to limited** amount of resources and staffing to accomplish goals set forth in the Business Plan.

### 4. Proposed Timeline and Development Plan

**Highly Advantageous** – RFQ demonstrates the **superior** ability to meet or **exceed** the ability to maintain the proposed timeline and development plan, including comprehensive understanding of the process that will need to be followed to open as planned.

**Advantageous** – RFQ demonstrates **moderate ability** to maintain the proposed timeline and development plan with some detail as to the process to be followed to open as planned.



**Not Advantageous** – RFQ does not display the ability to maintain the proposed timeline and development plan.

5. Staffing, Jobs Creation - Potential Benefit to Community\*

**Highly Advantageous** – RFQ outlines the potential to hire and house (with a realistic plan) a majority of employees who permanently reside on the Island, and a commitment to hire locally where possible.

**Advantageous** – RFQ outlines the potential to hire and house (with a realistic housing plan) a minimum of some employees who permanently reside on the Island and will consider a commitment to hire locally where possible and a plan for housing.

**Not Advantageous** – RFQ outlines the potential to hire more employees who live off-island than on-island; with no commitment to hire locally, with no housing plan.

*\*In the event of a tie in ranking within this category, the Applying Entity with the higher number of local residents as Controlling Persons will receive a preferential ranking.*

6. Demonstration of Historical Local Residency, Community Involvement and/or Community Support of the Applying Entity's Affiliated Officers Personnel and Controlling Persons

**Highly Advantageous** – Provides documentation that a majority of the Applying Entity's affiliated officers, personnel and Controlling Persons have historical local residency on the island, with substantial documented community involvement and can provide letters of support from community groups, organizations or individuals vouching for the character and community commitment for a majority of the Applying Entity's members.

**Advantageous** – Provides documentation that between 25% and 50% of the Applying Entity's affiliated officers, personnel and Controlling Persons have historical local residency on the island, with substantial documented community involvement and can provide letters of support from community groups, organizations or individuals vouching for the character and community commitment for between 25% and 50% of the Applying Entity's members.

**Not Advantageous** – Provides documentation that **less than 25%** of the Applying Entity’s affiliated officers, personnel and Controlling Persons have historical local residency on the island, with substantial documented community involvement and can provide letters of support from community groups, organizations or individuals vouching for the character and community commitment for **less than 25%** of the Applying Entity’s members.

7. Proximity

It is the preference of the Town that the location of adult use marijuana retail establishments be spread out across the Town and not clustered within in the same neighborhoods.

**Highly Advantageous** –The proposed co-located marijuana establishment will be located at a distance **greater than one mile** (measured lot line to lot line) from any Adult Use Marijuana Retail Establishment location for which the Select Board has previously executed an HCA.

**Advantageous** – The proposed co-located marijuana establishment will be located at a distance **greater than one half mile, but less than one mile** (measured from lot line to lot line) from any adult use marijuana retail establishment location for which the Select Board has previously executed an HCA.

**Not Advantageous** – The proposed co-located marijuana establishment will be located at a distance **between 2000-feet and one-half mile** (measured from lot line to lot line) from any adult use marijuana retail establishment location for which the Select Board has previously executed an HCA.

8. Product Testing

**Highly Advantageous** – RFQ contains detailed description of the alternative testing protocols that will be employed to achieve compliance with **a majority of** the state testing requirements as set forth in 935 CMR 500.160 in a manner that **clearly** protect public health.

**Advantageous** – RFQ contains detailed description of the alternative testing protocols that will be employed to achieve compliance **with some** state testing requirements as set forth in 935 CMR 500.160 in a manner that **adequately** protect public health.

**Not Advantageous** – RFQ contains description of the alternative testing protocols that will be employed with **little to no** compliance with the state requirements as set forth in 935 CMR 500.160 **to the detriment of** public health.

#### 9. Traffic Management

The potential for high traffic generation associated with marijuana establishments is a concern to the Town. The Town will give preference to applicants that can demonstrate multiple means of access.

**Highly Advantageous** – The proposed location of the co-located marijuana establishment is **readily accessible to multiple means of access**, including sidewalks, bike trails and bus stops so that the impact of traffic accessing the establishment will be minimized to the maximum extent feasible

**Not Advantageous** – The proposed location of the co-located marijuana establishment is **not readily accessible to multiple means of access**, including sidewalks, bike trails and bus stops.

### **IV. RULES FOR AWARD**

The Town will award the HCA and Letter of Support or-Non-Opposition to the proposal that is deemed in the best interests of the Town taking into consideration the criteria for award set for in this RFQ. The Town has established a Review Committee that will conduct a preliminary review of the proposals and which will make a recommendation of award to the Select Board.

### **V. GENERAL INFORMATION**

#### **Selection Process**

Additional information, interviews and or presentations may be required at the option of the Town. In no event shall the Town, Select Board, or Town employees be liable for any costs incurred for the preparation of and participation in the submission of responses to this request or subsequent interviews of persons or companies. The most qualified will be invited to enter into a Host Community Agreement for an Adult Use Marijuana Establishment and a Medical Marijuana Dispensary and obtain a Letter of Support or Non-Opposition. Deposits will be returned to all applicants not deemed qualified. The interviews and the evaluation process by both the Review Committee and the Select

Board shall be conducted in open session unless an executive session is warranted under the circumstances.

### **Compliance with Rules**

Applying Entities responding to this RFQ must follow its procedures and requirements. Failure to comply with any portion of this RFQ may result in the rejection of your Proposal.

### **Proposal Withdrawal**

Any proposal may be withdrawn at any time before the “Proposal Due” date and time by providing a written request for the withdrawal to the Town Manager. A duly authorized representative of the submitting entity shall make the request. Withdrawal of a Proposal will not preclude the Applying Entity from filing a new proposal if it is submitted prior to the close date.

### **Ownership of Documents**

Any material submitted by an Applying Entity shall become the property of the Town.

### **Public Record**

All Applying Entities and information submitted by Applying Entities, except for the Security Plan required under Section II.17 of this RFQ and any information of a personal nature, are open for public inspection upon opening of the proposals. Applying Entities are advised to submit the Security Plan in a separately sealed envelope and are further advised not to include any personal or highly sensitive information in the proposal such as social security numbers or bank account and bank routing information.