

BECAUSE OF THE DISRUPTION TO STATE BUSINESS DUE TO THE SNOWSTORM, BIDDERS' PROPOSALS ARE NOW DUE BY 3:00 P.M. ON MONDAY, MARCH 19, 2018.

AMENDED RESPONSES TO ELECTRONIC INQUIRIES
FOR ITS REQUEST FOR RESPONSES (RFR) FOR INVESTIGATIVE SERVICES

The responses to electronic inquiries have been amended to include the following notice:

BIDDERS' PROPOSALS ARE NOW DUE BY 3:00 P.M., ON MONDAY, MARCH 19, 2018. TO FACILITATE THE COMMISSION'S REVIEW, BIDDERS ARE ENCOURAGED TO SUBMIT BOTH AN ELECTRONIC AND A HARD COPY BY MARCH 19, 2018. IF NEEDED, BIDDERS MAY HAVE UNTIL MARCH 22, 2018, TO SUBMIT THE HARD COPY.

QUESTIONS REGARDING SUBMISSION REQUIREMENTS

1. QUESTION

Where can I find the required forms? When will do they need to be completed? (Associated questions: I cannot find the required forms for this solicitation on CommBUYS under the "forms and terms tab" as stated in the RFR. Please advise as to how I can access these forms.; RFR Sections 3(b) on page 12 and 3(d) on page 13 reference several "required forms." The sections indicate all forms are found in the "Forms and Terms" tab in CommBUYS. Page 12 says further that instructions are in Section 3.4. However, we do not notice attachments under tabs online in CommBUYS or a section 3.4 in the RFR. Please provide copies of these forms if necessary along with instructions. Alternatively, please consider deleting the requirement to include these forms in bids and requiring forms be produced instead at a later date from the successful bidder/contractor only.; If forms are required, please consider extending the bid's due date by five additional business days after forms are provided to bidders. This will provide sufficient time for review and signatures.; RFR page 1 indicates "bidders' responses in terms of proposals" are due March 16, while "bidders' responses in terms of required forms" are due March 19. Please clarify further which document(s) is/are due March 16, and which document(s) is/are due March 19.)

RESPONSE

The required forms are now available on CommBUYS. The Commission asks bidders to submit the Commonwealth standard forms by March 19, 2018. If additional time is required to complete the Commonwealth standard forms and the remaining forms, bidders should notify the Commission of the additional time needed and of any objections to executing the forms. If invited to interview, bidders will not proceed in the process until the required forms have been submitted to the Commission.

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2. QUESTION

Please consider a due date extension for the RFR to allow time [to] process the answers to questions.

RESPONSE

All proposals, including answers to questions, must be received by 3:00 p.m. on Monday, March 19, 2018.

3. QUESTION

Section 3(b), on page 12, indicates the proposal shall not exceed 50 pages. Please consider waiving the page count. We would like to provide the Commission as much information as necessary to respond to RFR requests, and it's possible the result could exceed 50 pages. Alternatively, please consider extending the page limit to 100 pages.

RESPONSE

The Commission encourages bidders to stay within the established page limits for the proposal. If a bidder advances in the process, the Commission will seek additional materials.

4. QUESTION

CommBUYS seems to make[] it possible for bidders to submit quotes online. Please confirm online bid submission is not required, and that bids can be submitted by email to CannabisCommission@mass.gov pursuant to RFR section 3(a) on page 11.

RESPONSE

Bids should be submitted to Bids to cannabiscommission@mass.gov.

5. QUESTION

Please confirm if a physical AND an electronic submission is required? Or will solely a physical submission will be accepted?

RESPONSE

Yes, both a written and an electronic submission are required

6. QUESTION

Section b(i) on page 21 indicates, "There are two periods of time where bidders may submit questions as detailed in the procurement timeline in Section 1.4.2." We do not notice a Section 1.4.2. The timeline appears to be on pages 1 and 8 only, and it includes only one deadline for written inquiries: March 8. Please clarify.

RESPONSE

The period for submitting questions is closed.

QUESTIONS REGARDING SCOPE OF THE INVESTIGATIVE SERVICES

7. QUESTION

What is the expected volume of applicants? (Associated questions: Does the Commission have an estimated number of retail licenses that will be granted in year one and year two of this potential contract?; What is the anticipated annual volume?; What is the anticipated monthly volume?; Could you please provide a monthly estimate of the number of license applications that will be submitted for the first 6 months once the Commission starts to accept applications on April 2018?)

RESPONSE

The Commission anticipates that the number of applicants will vary from year to year. It encourages bidders to present investigative models that reflect the potential variability in the number of applications and the depth of investigation. For example, a bidder may divide the potential number of applicants as follows: Zero to 250 applicants; more than 250 to 500 applicants; more than 500 to 750 applicants; more than 750 to 1000 applicants; more than 1000 applicants. Bidders are encouraged to also consider variability in the number of entities and individuals associated with each application identified for investigation and the depth of those investigations.

8. QUESTION

Will investigations be conducted on all licensee applications or will there be a "shortlist" of those considered only? (Associated questions: Does the Commission have an estimated number of applicants to include Executives, controlling persons, close associates or marijuana establishment agents to be investigated per application?; Beyond Key Personnel and employee checks do you require an independent investigation of the business entity as well?)

RESPONSE

Although the successful bidder must demonstrate the capacity to investigate most applications and applicants, the Executive Director and his staff will identify investigate priorities. For example, priority applicants will be considered before other applicants. In addition, all applicants, i.e., entities and individuals, will not receive the same level of investigation.

9. QUESTION

Will the vendor need to investigate growers along with all entities involved in the chain of custody, including third party vendors?

RESPONSE

The Commission encourages bidders to familiarize themselves with the final regulations, including 935 CMR 500.050: *Marijuana Establishments*; 500.100: *Applications for Marijuana Establishment Licenses*; and 500.101: *Application Requirements*. The successful bidder will need to demonstrate the capacity to investigate individuals and entities applying for licensure as a Marijuana Establishment, including cultivators and other regulated entities doing business with cultivators, but not third-party vendors who are not regulated by the Commission.

10. QUESTION

What is the desired [t]urnaround [t]ime for each report delivery? (Associated questions: How long are you assuming each license application will take to process from receipt to approval?)

RESPONSE

The Commission anticipates that the turnaround time for applications and applicants will vary, though timelines for action on completed applications are established by statute and regulation. The Commission encourages bidders to present investigative models that reflect the potential variation in turnaround time, given the number of applicants and applications identified for investigation and the depth of the investigation.

11. QUESTION

Is it correct to assume that this RFR (BD-18-2018-CNB-CNB-24337) is for only the reviewing of licensing applications and subsequent investigations, and therefore not for any background check, application workflow, or user portal software applications? If this is the case, will there be a bid solicitation for this separately?

RESPONSE

The successful bidder will be reviewing initial licensing applications, including background checks, and subsequent investigations, including renewal applications. The bidder will not be responsible for workflow or user portal software applications.

12. QUESTION

Is the Commission expecting applications from firms outside the Commonwealth, or national and international firms?

RESPONSE

Yes. In addition, the Commission's regulations anticipate that the successful bidder will demonstrate the capacity to conduct investigations of entities and individuals using national and if possible, international, databases.

13. QUESTION

The RFP mentions investigative services to determine the suitability of applicants and employees, etc[. (page 9)]. Are fingerprints checks to be conducted by the vendor as well?

RESPONSE

No. Fingerprint checks are not part of this RFR.

14. QUESTION

Is there a current application that is being used? If so, please provide a copy.

RESPONSE

The Commission is working with its outside vendor to develop an electronic licensing system to process applications and supporting documentation. The successful bidder will have access to the materials submitted through this system.

15. QUESTION

Several RFR sections indicate investigative reports are required. Will the Commission supply pre-defined reports that the vendor must populate, or would the vendor create reports from scratch?

RESPONSE

The Commission will work with the outside electronic licensing vendor and its investigative services vendor to develop an investigative report.

QUESTIONS REGARDING COSTS AND FUNDING

16. QUESTION

Section 3(g) on page 18 explains pricing should be provided as either a blended per-hour rate or as line-item rates based on categories. Would the Commission consider alternative pricing models instead? An example would be a price per initial applicant investigation along with an additional fee for ongoing monitoring. In addition, can the bidder provide an itemized list of expenses?

RESPONSE

The Commission will consider alternative pricing models. It encourages bidders to propose models that reflect the potential variability in number of applicants and depth of investigation. The Commission will consider bidders' expenses in evaluating these pricing models.

17. QUESTION

Is there a maximum hourly rate that the Commission will approve? If so, what is it?

RESPONSE

If required under the successful bidders' pricing model(s), the Commission will negotiate a maximum hourly rate. It has not established one at this time.

For additional work that is beyond the scope of the parties' agreement for investigative services, the Commission also encourages bidders to identify employees and hourly rates.

QUESTION

Please specifically describe what funds/ budget the program is funded through (state, federal, from marijuana sales, etc.)?

RESPONSE

The Commission is currently funded entirely through state appropriations. It anticipates that it eventually will be funded through taxes, fees and fines derived from the sale of adult- and medical-use marijuana, with a budget set annually by the Legislature. The Commission does not receive any federal funding.

QUESTIONS REGARDING THE REGULATORY SCHEME FOR ADULT-USE MARIJUANA

The Cannabis Control Commission filed its final regulations on March 9, 2018, with the Secretary of State. Subject to preparation by the Secretary's Regulation Division, the regulations are on track to be published on March 23, 2018. The regulations will become effective when published in the Massachusetts Register. The Commission encourages bidders to review these regulations in developing its bid proposals, which are available on its website.

18. QUESTION

Is the Commission replicating another state's licensing system already in place, such as Colorado's?

RESPONSE

The Commission considered other state's licensing systems, including Colorado's, in developing its final regulations.

19. QUESTION

Is there a current structure in place for denials of applications and for adjudication of challenges to denials?

RESPONSE

Through its final regulations, the Commission established an administrative process for application denials. Although the Commission will rely on information provided by the successful bidder in reviewing applications and deciding whether to accept or deny an application, the bidder will not be responsible for implementing this aspect of the administrative process.

QUESTIONS REGARDING LEGAL CONCERNS

20. QUESTION

Will legal counsel be provided to advise throughout the duration of the contract?

RESPONSE

The Executive Director, General Counsel and other staff will provide guidance to the successful bidder.

21. QUESTION

What are the legal liabilities, if any, for a bidder or subcontractor if an applicant is denied a license for reasons obtained through our background investigation?

RESPONSE

The Commission is not aware of a case where a Massachusetts court has awarded a plaintiff damages where a state licensing agency has denied an application on the basis of an investigative report supplied by an outside contractor. Nevertheless, bidders are encouraged to consult with their own counsel to review the Commonwealth standard forms and the parties' statement of work and advise them as to their liabilities.

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QUESTIONS REGARDING BIDDERS AND SUBCONTRACTORS

22. QUESTION

Section 1(e)(2) on page 7 indicates this is a "single" vendor procurement. Please confirm the vendor may use subcontractors.

RESPONSE

Yes, the successful bidder may identify subcontractors before the execution of the parties' agreement. The Commission is willing to negotiate a process for any subsequent identification of subcontractors.

23. QUESTION

Does the contractor need to be registered with the State as a SDP business (Small, minority owned, etc.) at the time of award? Or is in-process acceptable?

RESPONSES

The commission will require the successful bidder to submit a Supplier Diversity Program (SDP) Plan or to have taken significant steps toward the process of completing a plan. Please see the response to Question No. 1.

24. QUESTION

Is it required for the contractor to be a Massachusetts registered business to apply to this RFR?

RESPONSE

No.

25. QUESTION

Is it required for the contractor to have a physical office in MA?

RESPONSE

No.