

ELIGIBILITY

1. Would it be considered a conflict of interest if a provider is already contracted with other State entities? Furthermore, if a provider has received certified Economic Empowerment status, is involved with, holds equity in, or is an applicant for a Marijuana Establishment license, would it create a conflict of interest?

Response: There may be circumstances in which there is a conflict of interest or the appearance of one. The Commission will not prevent a chosen provider from also being licensed as a Marijuana Establishment, provided that the provider is in compliance with the conflict of interest law, G.L. c. 268A. To determine whether they are in compliance, providers are encouraged to contact the State Ethics Commission at 617-371-9500 to receive free confidential legal advice from the attorney of the day. Successful providers may be considered State employees by the State Ethics Commission. A summary of the conflict of interest law for state employees can be found here, <https://www.mass.gov/service-details/summary-of-the-conflict-of-interest-law-for-state-employees>. In the event that there is another appearance of a conflict of interest, the Commission staff may seek more information to verify compliance with the applicable laws.

2. As an individual, can I submit a response to the RFQ or must I form an entity with an Employer Identification Number (EIN)?

Response: Providers must decide whether to form an entity, however, the Commission will accept responses from individuals. In circumstances where an entity is formed, most businesses, except for sole proprietorship businesses with no employees, need an EIN. Providers are encouraged to consult an attorney to obtain legal advice and contact the IRS, <https://www.mass.gov/how-to/apply-for-an-employer-identification-number-ein>, for more information.

3. I am a sole proprietor without a full-time support staff or large facility. Is there any point someone in my position can submit a proposal, or would it be impractical given the types of services and contractors you are looking for?

Response: The Commission welcomes responses from individuals and entities of all sizes. It encourages providers to detail its scaling-up plans as well as plans to obtain additional staff or larger meeting spaces in the future.

REQUIRED DOCUMENTS

1. How is financial capability determined? Can the bank reference be a new business account? Can the bank reference be a personal account? What information should be included on the bank reference?

Response: An evaluation of the providers' financial capability to undertake and successfully complete a contract will be performed per the criteria on page 18 of the RFQ, *Financial Capability of the Provider*. An evaluation of the providers cost response will also be performed

per page 19 of the RFQ, *Phase III Review*. Providers may submit bank references for personal accounts that demonstrate their financial capability and are encouraged to submit other documentation as necessary. Providers can consult with their bank representatives and other advisors to determine the content of the documents.

2. The Certificate of Tax Compliance is listed in the RFQ but not included in the list of documents online. Can you direct me where to find this form?

Response: Please see <https://www.mass.gov/how-to/request-a-certificate-of-good-standing-tax-compliance-or-a-corporate-tax-lien-waiver>.

3. Regarding the Certified Financial Statement or Independent Accountant Statement, if an entity is newly established, does not disclose or publish financial information, or not able to afford an independent statement from an accountant, will an affidavit or other forms suffice?

Response: To provide the Commission staff with the ability to judge the provider's financial capacity to undertake and successfully complete a contract, providers should submit certified financial statements to the extent that they are able. If certified financial statements are not available, the provider should:

- a. Provide a reviewed or compiled statement from an independent accountant as well as a bank reference. Please refer to page 18 of the RFQ, *Financial Capability of the Provider*, for more information.
 - b. Provide other documentation and information that demonstrates that the provider will be able to perform under the contract. The Commission may request additional information.
4. I attempted to obtain a "Certificate of Tax Compliance" from the Department of Revenue, but none of the categories fit. I requested a "Statement of Good Standing" instead. Will this work?

Response: Yes, a "Statement of Good Standing" is acceptable, however, the Commission may request a Certificate of Tax Compliance from chosen providers.

5. Can you provide direction on how to complete all three Supplier Diversity forms?

Response: For questions about the Supplier Diversity Program forms, please reach out to the Supplier Diversity Office at the Operational Services Division (OSD) at (617) 720-3300. If providers are unable to complete the Supplier Diversity Program forms before submitting their proposals, they are encouraged to provide an explanation.

6. Are the names and information provided in the Supplier Diversity Plan binding? Is there any flexibility to make substitutions, as long as the provider meets the overall supplier diversity percentage goals listed on the form?

Response: If changes need to be made to the Supplier Diversity Program forms before or after a contract has been awarded, providers are encouraged to submit revised versions of the

forms. If you anticipate changes, please notify the Commission as soon as possible. For more information about the Supplier Diversity Program forms, please reach out to the Supplier Diversity Office at the Operational Services Division (OSD) at (617) 720-3300.

7. Certification for the Supplier Diversity Program may not be approved for two or more months. How can this be recognized without the certification?

Response: Though we encourage providers to complete the process, attestation or proof that a provider has applied would be sufficient. Please refer to guidance from the [Supplier Diversity Program](#): “Bidders responding to a RFQ requiring an Supplier Diversity plan are required only to identify a commitment in the form of a specific percentage of sales (See Supplier Diversity Program Forms) made under the resulting contract that will be spent with a Certified Partner(s).”

8. Should I leave the Commonwealth fields blank on the Commonwealth Standard Contract? Are there other fields that should be blank?

Response: Yes, providers should leave these fields blank. The Commission staff will work with chosen providers to execute the Commonwealth Standard Contract and Terms and Conditions forms.

9. Can you provide more context around the Executive Order 504 form? What is being asked?

Response: Please refer to <https://www.mass.gov/service-details/executive-order-504-procurement-standards-and-procedures>.

10. How does an organization get a vendor ID? Is the contractor vendor code the same as my CommBuys vendor number?

Response: The Commission’s finance team will work with successful providers that are not already contracted with another agency in the Commonwealth of MA to obtain a vendor ID through the Comptroller’s Office. A vendor will have to provide a completed W-9 form. The vendor code and the CommBuys vendor number are not the same.

11. What is the Vendor Code Address ID? How can I get this code?

Response: The Vendor Code Address ID is not required and can be left blank.

12. If the prime organization applying has subcontractors, will the same forms for all subcontractors need to be submitted as well?

Response: Forms are not required for subcontractors. Subcontractors need only to be identified as set out in the RFQ. Please refer to pages 12, 14 and 16-17 of the RFQ, *Cover Letter*, *Provider Structure*, and *Key & Backup Staff & Key Relationships*, for more details.

SCOPE OF SERVICES

1. The first page of the RFQ indicates that "To be considered by the Commission, a provider must submit an electronic copy of its response via email by 5:00 pm, EST 8/9/18." Is this true for the provider response to the RFQ or just for the questions regarding the RFQ?

Response: The deadline of 8/9/18 refers only to the submission of questions regarding the RFQ from providers to the Commission. The RFQ has since been updated to reflect that a provider must submit an electronic copy of its complete response via email by 5:00 pm. EST 9/7/18.

2. The first page of the RFQ indicates that "services will include, but are not limited to, the categories set forth in the Scope of Services in Section 3.0 of the RFQ," I am unable to find that section.

Response: Section 3.0 refers to page 8, Section 2.0, *Scope of Services*. This has since been updated on all platforms.

3. Will each contract awarded be a one-year term?

Response: The initial duration of a contract that may result from this RFQ shall be one (1) year from the date on which it is awarded. For more information, please refer to page 6 of the RFQ, *Procurement Characteristics - Anticipated Duration of Contract*. The Commission staff and chosen providers may negotiate options to renew as part of the statement of work.

4. What information should be redacted from the response?

Response: Providers should submit both an unredacted response and a redacted response. Please refer to page 5 and page 13 of the RFQ, *Introduction & Procurement Requirements* and *Redacted Materials*, for more guidance.

5. Is the Commission looking for providers to cover the entirety of the scope of services set out in the purpose of the RFQ for the broad spectrum of available roles in the Cannabis industry, or will it be seeking specialized providers for the various aspects of the programs requirements? i.e. specific providers for face - to - face and other for developing on-demand curriculum? Specific providers for "manufacturing training" and specific providers for "retail training" etc.

Response: The RFQ is seeking both: providers that can address multiple areas of the scope of services set out in the purpose of the RFQ as well as those that can address specialized training in one area. Providers do not have to address all areas, further detail can be found on page 14 of the RFQ, *Strategic Approach*.

6. How are unknown changes that may occur after the contract is awarded handled? Can the provider modify or terminate the contract at any time?

Response: Providers are encouraged to review the Commonwealth Standard Contract and Terms and Condition forms, which will be required. Contractual issues will also be negotiated as part of a statement of work.

7. On page 16, you state that the narrative should use 12-point font and have 1-inch margins, but you do not specify whether single or double-spaced. Can we use single-space for the proposal?

Response: The narrative can be single or double-spaced as long as it stays within the specified 5 narrative pages.

8. Can the proposal contain references or links to websites for information (e.g., for course descriptions), since responses are limited to 5 pages?

Response: Proposals will solely be evaluated on the submitted materials, not the links provided. That being said, the proposal can contain references or links to websites as part of a description of the scope of services.

9. Does the contract term include Phase 1 Activities?

Response: Yes, the contract term includes Phase 1 Activities.

10. Is there an estimated time commitment the Commission is looking for from an individual provider to develop Phase 1 activities or is this solely dependent on the providers timetable and what the Commission deems appropriate? In awarding a contract, is the Commission expecting 10 hours of work a week from providers? 20 hours?

Response: The RFQ does not specify a required timetable to develop Phase 1 activities. The review committee will consider the providers' proposed timetable in evaluating proposals.

11. Can the Phase 1 Activities listed in the RFQ be divided among approved providers? For example, if provider A develops curriculum, can provider B convert the curriculum into digital content?

Response: Providers seeking to work together should submit a joint proposal. Only providers submitting the proposal and those identified in the proposal as staff, subcontractors, and contributing parties should develop and convert content.

12. Can one organization be on multiple proposals?

Response: If an organization wishes to develop and provide more than one service or specialty they should outline those in one proposal. Furthermore, if an individual or entity will be a subcontractor or contributing party to another, that should also be outlined in the submitted proposal(s).

13. In the event that multiple vendors submit similar proposals how will the Commission evaluate those proposals?

Response: If multiple vendors submit similar proposals the review team will evaluate them based on the evaluation criteria. You can find more information on page 19 of the RFQ,

Evaluation Process. The Commission may select multiple, similar providers depending on program needs and seek additional information from these providers as program needs arise.

14. Are both face-to-face & video content required? Is there emphasis on developing web-based training over in person training.

Response: Both face-to face and video content are not required. Content should be developed based on the curriculum one wants to propose. Web-based training and in-person training are equally valuable and necessary for the program as it is a Commonwealth-wide program and designed to be far reaching across various regions and demographics.

15. On page 9, the RFQ states that the "Commission will own and distribute all materials." Can you clarify if the Commission will own content manufactured by the provider or the intellectual property of all training materials?

Response: To the extent that chosen providers develop training materials as part of their agreement with the Commission, the Commission will own these materials. The Commission will also have the right to distribute these materials through its website and existing social media accounts and to share these materials with other public and private entities across the Commonwealth to distribute via their communications channels. That being said, the Commission staff and chosen providers can negotiate the scope of the Commission's ownership and control of training materials as part of the statement of work. A provider may, for example, negotiate that it has ownership and control of pre-existing training materials not developed as part of its agreement with the Commission.

16. Could you please define how intellectual property/compensation will work with the content developer?

Response: Whether a provider is developing the content or using a content developer as a subcontractor, it should be detailed in the proposal, including details regarding the compensation of the content developers. Compensation can be negotiated.

17. The RFQ states the program will utilize providers on an "as needed basis". Does the Commission have an idea at what pace Social Equity Participants will be approved? How many Social Equity participants is the Commission projecting will be involved in the program within the next 12 months to 36 months?

Response: Providers will be utilized on an "as needed basis" as the Social Equity Program is open indefinitely for applicants. Once applicants are approved, the Commission staff will provide additional information to providers as appropriate.

18. On page 15, the provider is asked to "describe the location and area of your training site or your plan to procure space and appropriate equipment..." Is there a preferred type of space the Commission is expecting a provider to procure or already obtain? Should a provider be providing office space/classroom settings? Space to train social equity participants how to manufacture cannabis and work with cannabis plants? Space to train on Point-of-Sale software?

Response: There are no specific or preferred types of space(s) that providers should procure or possess to provide training. However, providers should detail and describe per page 15 of the RFQ, *Detail Your Curriculum Framework*, the location and area of your training site or your plan to procure space and appropriate equipment and any spacing and equipment needs or limitations (state-wide).

19. Are there specific courses the Commission wants to have produced during this contract or specific number of courses the Commission anticipates being completed?

Response: The Commission has not set specific courses to be produced except those outlined on page 8 and 14 of the RFQ, *Scope of Services* and *Strategic Approach*, as well as those that are related and transferable to the adult-use recreational industry. There is not a specific number of courses the Commission anticipates being completed at this time.

20. When presenting the programmatic response, approximately how many hours of instruction should I expect to cover in the proposed curriculum?

Response: When presenting the programmatic response, the approximate hours of instruction needed should depend on the hours a provider foresees an applicant needing to successfully learn, retain, and apply the material. If curriculum is available in multiple timeframes, please detail those options in the programmatic response. For more information, please refer to pages 14-15 of the RFQ, *Detail Your Curriculum Framework*.

21. Are exact names of course content, credits/hours for the proposal required? To what extent should the content/programming be detailed out in the proposal?

Response: Exact names of course content are not required and working titles will be accepted. Names of course content and credit/hours for the proposal will be finalized upon award of contract. Content and programming should be as detailed as defined by the RFQ. Please refer to page 14 of the RFQ, *Detail Your Curriculum Framework*.

22. What type of collateral materials are providers expected to provide? In what amount and when?

Response: The Commission staff will negotiate with chosen providers to determine the scope of collateral materials.

23. How many courses does the Commission anticipate releasing during the Base Year contract?

Response: The number of courses will be determined based upon acceptance of Social Equity Program applicants.

24. What level of technical assistance and mentoring are providers expected to provide?

Response: The level of mentoring, technical assistance, and other support will be determined based upon the Commission's acceptance of applicants for the Social Equity Program. The

Commission staff and chosen providers will negotiate the scope of services to be provided in these areas.

25. For curriculum development, will you describe the needs of the individual/business that the curriculum should satisfy?

Response: As applicants are accepted for the Social Equity Program, the Commission will refine its understanding of its needs for curriculum development. For now, providers should familiarize themselves with Marijuana Establishment license types, guidance can be found on the Commission’s website, and consult pages 8 and 14 of the RFQ, which identify potential areas of curriculum development. For example, Marijuana Cultivators may need curricula that addresses the care of marijuana plants through the life cycle.

26. When is the training supposed to start?

Response: Training will start on a rolling basis following the acceptance of applicants and the determination of training needs.

27. Where is the orientation/on-site training supposed to take place? When and how long before a class starts should the orientation take place? How long should the orientation be?

Response: The initial orientation/on-site training(s) will take place at the Commission’s headquarters, satellite offices, or other locations as determined by the Commission staff. Chosen providers will be notified with additional information as appropriate. To the extent that they are able, providers are encouraged to propose location(s) and duration of orientation(s), specific to their proposed trainings.

28. Can the Commission please clarify their expectation for training regarding "tax prediction"? Does this mean the same as education to parties on tax planning to prepare parties for the impact of taxes related to structure and general business practices? Please clarify the use of the term "prediction."

Response: “Tax Prediction” refers to educating applicants on how to plan, predict, or forecast tax amounts for the tax year. Yes, it can mean the same as educating parties on tax planning to prepare for the impact of taxes related to structure and general business practices.

29. According to the RFQ, training will be offered through the Commission's website and social media accounts. Does the Commission have a learning management system (LMS) to store and track completion of online courses, or is this something that a provider proposing to develop curriculum must provide also? Will all courses be offered online?

Response: The RFQ identifies that training materials, not trainings, will be available through the Commission’s website and social media accounts. Currently, the Commission does not have a learning management system to store and track completion of online courses. The Commission does not anticipate that every course will be offered online.

30. Onto which platform, tool, or Learning Management System will the curriculum be converted?

Response: The curriculum will be converted onto platforms, tools, or learning management systems identified by the chosen provider(s). Curriculum may also be converted by the Commission onto all its platforms and electronic systems, including the Commission’s website, YouTube, Facebook, LinkedIn, Twitter, etc.

31. Are the names of subcontractors, backup staff, and key resources binding? Can substitutions be made if any are unavailable at the time when a contract is awarded?

Response: Terms regarding change of subcontractors and key personnel can be negotiated. The Commission must be notified of any changes.

32. Is heavy usage of subcontractors weighed negatively/looked down upon?

Response: Proposals will be evaluated based solely on the evaluation standards and point system detailed in the RFQ. Please refer to page 19 of the RFQ, *Evaluation Process*, for more details.

33. Do you consider university adjunct faculty subcontractors (vs. tenured faculty or permanent employees)? Does the organizational chart for the entire firm and “business organization apply/refer to the entire organization, for example a university, or just a particular college or department?

Response: It is up to the provider to determine the legal status of its personnel and to describe accurately their status in the proposal. Although providers do not have to include an organizational chart for the entire organization, for example, it can include an organization chart for a college or department, the Commission may seek additional information on the chosen providers’ organizational structure.

34. Can budgets be presented per deliverable or does it have to be written per hourly rate?

Response: Budgets can be presented per task and deliverable but should also include hourly rates of the Project Manager and the hourly rates of other staff or consultants who will routinely work with applicants, within the allowable limits. More information outlining the budget can be found on page 14 of the RFQ, *Appendix D – BUDGET*. More information regarding the cost response can be found on page 19 of the RFQ, *Cost Response*.

35. Should the proposal be for a specific curriculum with budget attached or can a model for developing content be proposed?

Response: The proposal can be a specific curriculum with budget attached or a model for developing content.

36. Is there a budget ceiling for the proposal?

Response: The RFQ does not specify a budget ceiling.

37. Will each course be released as a single task order on this indefinite delivery/indefinite quantity (IDIQ)-type contract? And will each awardee on the master indefinite delivery/indefinite quantity be able to bid at the task order level? Or will courses be assigned to awardees? What is the task order level bid process going to look like?

Response: Depending on proposals received the Commission staff will negotiate a statement of work, which will include the scope of services and duration of the agreement. Negotiations with regard to the scope of services may identify specific tasks.

38. Can the Commission recommend or provide subject matter experts (SMEs) to consult during content development?

Response: Interested parties should seek their own resources for developing content and consultations around content development.

39. Will the Commission provide contact information for community partners?

Response: The Commission will provide contact information for community partners as appropriate. Providers are encouraged to identify and recommend potential community partners as they are able.

40. Are there currently any partnerships in place between the Commission and other organizations, such as community colleges and universities, training centers, or other locations for Social Equity Program training classes to take place?

Response: The Commission is developing these relationships. It will identify relevant partnerships to chosen providers.

41. Will the Commission work with state banks and the Division of Insurance to build financial security for the industry?

Response: The Commission is aware of the financial challenges and is committed to working with public and private stakeholders to address these issues. However, providers are encouraged to consider the potential financial risks and rewards before submitting proposals.

42. Where are the policies and procedures of the Commission published for review?

Response: The Commission is not required to publish all policies and procedures. The Commission's website, <https://mass-cannabis-control.com/> holds all public documents, including the State laws as well as the adult-use regulations and guidance established by the Commission. You can find more information under the Public Documents tabs on the Commission's website.