

## DRAFT FOR DISCUSSION PURPOSES - NOT A FINAL DOCUMENT

### Background:

The Massachusetts Cannabis Control Commission (the Commission) must be ready to accept license applications and payment of application and license fees by April 1, 2018. The Commission must have a seed-to-sale tracking system in place upon the issuance of licenses, which may occur as early as June 1, 2018. As an independent Level 2 agency with urgent technology needs, the Commission has decided to opt out of the standard process used for procurement by the Commonwealth. Emergency procurements are authorized pursuant to 801 CMR 21:00, <http://www.mass.gov/bb/regs/801021.html>.

This memorandum outlines the procurement approach and provides templates and other tools to help vendors bid for these projects. All questions shall be directed to [cannabiscommission@state.ma.us](mailto:cannabiscommission@state.ma.us). Answers to those questions will be provided at the discretion of the Commission and will be posted on the Commission's web page.

Please note that the Commission is a new agency and with limited available resources. For the purposes of estimating this work, assume you will have access to a Product Owner on a daily basis as-needed and access to a broader audience for 1-hour demos at the end of each 2-week sprint, but more dedicated time during the testing phase. If you need additional support such as a data architect or developer from the Commission or any other state agency, that request must be stated in your solution description.

### Goals:

1. Identify the right partner to deliver a seed-to-sale tracking system for all recreational adult-use marijuana in Massachusetts;
2. Identify the right partner to deliver a licensing system for all marijuana establishments and professionals participating in the recreational adult-use marijuana market;
3. Meet the timing deadlines imposed by law;
4. Meet the budget limitations imposed by the Commission's limited funding (budget posted on Commission web pages) and provide a solution that is cost-effective in the years to come. The Commission is seeking the best value solution;
5. Deliver systems that meet the regulations set by the Cannabis Control Commission (required to be promulgated by March 15, 2018);
6. Deliver systems that meet the known requirements as described in the business and functional requirements including integration with other systems (licensing, seed-to-sale-tracking, revenue collection, and inspection must all operate together).

### General Rules:

- A single vendor may submit up to three responses: One for licensing, one for seed-to-sale tracking, and one for both. Each response must stand-alone so that if it is selected for the next phase, the Commission need not to refer to another document;
- A single response may include multiple pricing options, but they each must be provided using the pricing template provided and must each stand-alone. The Commission will decide which pricing model is the most desirable. Pricing transparency and pricing stability are both very important to the Commission;
- Due to the shifting requirements and tight timelines, the Commission reserves the right to reassess likelihood to succeed throughout the project and, if warranted, to stop the project

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before completion and change to a new vendor. Compensation will be based on usable work delivered, not just time passing. For example, if 50% of the time has passed, but only 20% of the work completed is usable by the Commission, then compensation will only be 20%. For a SaaS solution, usable work completed is likely to be near 0% for much of the project since the Commission would have nothing to use if the project ended abruptly;

- All information regarding partnerships, work-awarded, progress on the project, etc. are confidential until announced by the Commission in an open meeting in order to ensure accurate information is disseminated from a single source.

Process and Timing:

11/22/17	Procurement kick-off. No Q&A session planned. Any questions to be answered will be posted on the Commission's web page
12/5/17 at 4:00 p.m.	Deadline for submissions of proposal (address below)
12/8/17 at 4:00 p.m.	Deadline for submissions of required forms (address below)
12/12/17	Vendors notified whether selected for proof of concept display
12/14/17	Kick-off meeting in Boston, plus 1-hour Q&A session with each vendor
12/15/17 – 1/2/18	No meetings in Boston – All work done remotely. Rules for proof of concept display will be provided to selected vendors. Will include optional daily call upon request (30 minutes maximum).
1/3/18 – 1/5/18	Demonstrations in Boston (2 per day)
1/9/18	Final Selection(s)

Format:

- The page limit for each section of the response is outlined below. If printed on both sides of the page, that counts as two pages;
- Include company name and project as a footer on every page;
- All content should be at least 10-point font;
- Single or double-spacing is acceptable;
- Provide TWO identical paper copies of your response in 3-ring binders. If the Commission requires additional copies, the Commission will make them. Spiral binding or other fixed binding is not acceptable;
- If you submit the required forms after the main proposal, two copies on three-hole paper are acceptable. You do not need to use two additional binders;
- Provide an electronic copy of your response as a Word document and as a PDF;
- Provide a "suggested redactions" copy in Word that highlights all content you feel should be redacted before it is published in an open forum. The Commission will consider your recommendation, but reserves the right to make all final redactions. Note: Proposals will

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become available via a public records request after the final selection is made. Labeling any part of the proposal as “confidential” does not circumvent a request for the information;

- Provide all three electronic versions (Word, PDF, and Redacted Word) on a flash drive enclosed with the two binders. If you submit the forms separately, send a second flash drive with the forms. Word version is not required, but the Commission does need a PDF and highlighted version with suggested redactions;
- The submission deadline is enforced based on when received by the Commission. A trackable delivery service such as UPS, FedEx, or UPS Express is recommended so that you can verify delivery;
- Send binders and flash drive to:

CANNABIS CONTROL COMMISSION  
ATTN: LUELLA WONG  
COMPTROLLER OF THE COMMONWEALTH  
1 ASHBURTON PLACE, 9<sup>TH</sup> FLOOR  
BOSTON, MA 02108

Response pages:

Page #	Content
0	<b>Cover page</b> with your contact information. Clearly indicate the project for which you are bidding (1 page). This page will be omitted from all requests for public records.
1	<b>Company Overview.</b> Company history, number of employees, organizational structure, years in business, summary of delivering similar projects for Massachusetts and other government entities (1 page)
2	<b>Company Financials.</b> Provide three (3) years of financial history plus quarterly for 2017. Include Revenues, Operating Expenses, Net Income, etc. Also, include any negative actions along with an explanation of steps you have taken to mitigate / resolve the issue. For example, describe any current or resolved lawsuits or other legal actions that may/do have financial implications for your company that could impact this work
3	<b>References</b> for similar project(s). Name, organization, email, phone, mailing address, and project context such as description, scale, status, etc. would all be helpful for each reference. (1 page)
4	<b>Pricing Estimate.</b> Cost of the project using required template below. The cost of the project must fit on one page and stand-alone, but multiple pages are permitted if vendor has multiple pricing scenarios. If multiple pages are used, distinguish them as A, B, C, etc.
5-7	<b>The Solution.</b> Describe all aspects of the solution you are proposing. Use this to define the scope (what’s in, what’s out), explain why your solution works well and answer questions you think the Commission may have. Please refrain from discussing competitors in this section. (3 pages)
8	<b>Requirements.</b> Identify requirements (by number) that will not be met. Identify requirements by number that may not be met. By default, all other requirements will be met. Please state that information on this page (1 page). Use <b>Appendix A</b> to explain why requirements will not or may not be met if one page is insufficient

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	to communicate that information.
9	<b>Differentiating Factors.</b> Explain why your solution is the best for the Commission. If you are aware of specific advantages your solution has over something else the Commission might consider, please indicate. (1 page)
10	<b>Hosting BC/DR.</b> Describe your solution for Hosting, Business Continuity and Disaster Recovery, but do not state specific locations of data centers or other sensitive information. Call out any challenges or advantages you anticipate. (1 page). This page may be redacted from any public records request to maintain high security of these systems.
11	<b>Project Team.</b> Provide a named resource for each role on the team with bio of relevant experience (1 page summary for all; additional information in <b>Appendix B</b> . For each person, indicate if they are full-time or a contractor. Explain what happens if a key person leaves the project. Required: If any work will be done outside of the U.S., provide details
12	<b>Subcontractor Relationships.</b> Identify any subcontractors that you will manage on this project including the nature of that relationship. For companies, provide an overview and financials similar to the information you provided about your own company. For individuals, be sure to include them in the project team information
13-14	<b>Engagement and Proposed Timeline</b> with key milestones. Explain what it will take for the engagement to be successful and how you will make sure that happens. Provide a high-level timeline. At minimum, explain what will be done by the 15 <sup>th</sup> of each month. (2 pages)
15	<b>Exit strategy.</b> If you were selected, but the Commission ceased using your solution sometime in the future, describe how that would work. For example, what level of support could the Commission expect for data migration and knowledge transfer and how much would that cost?
16	<b>Contract.</b> The Commission plans to use the Commonwealth Terms and Conditions Form with no edits. If you disagree with this premise, use this page to identify any terms that vendor would like to change and explain why. Unmentioned terms will be considered accepted and will be non-negotiable if you are selected.
17+	<b>Appendices:</b> A: Requirements that are outside of scope B: Team resumes (2 page maximum per person) C: Required forms – Note these may be submitted separately (due 12/8/17)

Selection Criteria for “Best Value” (order does not signal importance or weighting)

- 1) Partner that will adapt with the Commission as requirements change;
- 2) High likelihood of success to meet or exceed stated goals;
- 3) Attractive price (for Commonwealth and for licensees);
- 4) Robust solution that will have high availability, high accuracy, and high security;
- 5) Experience and references are determining factors;
- 6) Accessibility compliance is a determining factor;
- 7) Invest in Massachusetts program participation is a determining factor;
- 8) Supplier diversity is a determining factor;

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- 9) Proposal compliance with general rules and page limits is a determining factor. Proposal content that does not comply will be considered at the Commission's discretion.

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### Special Stipulations

- Proposers are required to comply with the Commonwealth Terms and Conditions (separate document) in order to be deemed “responsive and responsible”.
- Each proposer must address all sections identified above and describe how it plans complete the work effort such that the Commission’s requirements are fully met.
- Proposers submitting proposals that do not meet all of the requirements may not be considered for the work
- Proposals received from proposers will become property of the Commission and may or may not be returned to the proposers at the discretion of the Commission.
- All responses including the winning bid shall become public record as of the date the contract referenced herein is awarded. Any portion of a response that are labeled as confidential will still be considered public record.
- The Commission shall not be liable for any pre-contractual expenses incurred by the proposer in the preparation of its proposal. The proposer shall not include any such expenses as part of its proposal.
- The Commission reserves the right to request additional information for clarification purposes, either written or oral, from proposers prior to award. The Commission will determine the amount of time allotted for response to these requests and the overall timeline may be adjusted.
- The Commission may consider information obtained through sources other than the proposals submitted.
- The Commission has sole responsibility for determining which proposal is the best value.
- The Commission reserves the right to cancel this solicitation at any time prior to execution of the contract by all parties and without any liability against the Commission.
- The Commission reserves the right to reject any and all proposals, in whole or in part, if such action is determined to be in the best interests of the Commission. Unless all proposals are rejected, award shall be made to that proposer whose proposal, conforming to the solicitation, in the judgment of the Commission, will be most advantageous to the Commission, price/cost and other factors considered.
- The Commission reserves the right to waive any informalities, deviations, mistakes, and matters of form rather than substance of the bid documents, which can be waived or corrected without prejudice to the proposer. No officer or agent of the Commission is authorized to waive this reservation.
- The Commission reserves the right to seek independent confirmation that the proposers are in compliance with the eligibility requirements.

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Pricing Scenario:						
	12/14/17 – 3/16/18	3/17/18 6/15/18	6/16/18 – 6/30/18	FY 19 Cost (7/1/18 – 6/30/19)	4-year Total Cost 7/1/19 – 6/30/23)	Assumptions/Notes/Details
Hardware						
Software Licensing						
• Assume 30 Commission users						
• Assume 1,500 licensee users						
Connectivity						
Integration						
Tags (per 100,000)						
Professional Services						
• Leadership/Relationship Mgmt.						
• Project Management						
• Technical Staff						
• Business/Process Staff						
• Help Desk						
• Training						
• Ad hoc Data / Reports						
• Other Professional Services						
Travel Costs	0	0	0	0	0	Travel costs included in other costs
Other Costs for Commission (explain below)						
Other Costs for Licensees (explain below)						
Contingency						
<b>TOTAL</b>						

ADDITIONAL NOTES:

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Appendix C: Required Forms

- 1) Commonwealth Terms and Conditions
- 2) Standard Contract Form and Instructions
- 3) Request for Taxpayer Identification Number and Certification (W-9)
- 4) Contractor Authorized Listing Form
- 5) Certificate of Non-Collusion
- 6) Supplier Diversity Form
- 7) Invest in Massachusetts Data Form
- 8) Certificate of Tax Compliance in Good Standing
- 9) Fidelity Bond or Certificate of Liability Insurance
- 10) Electronic Funds Transfer
- 11) Ethics in Public Contracting

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