



Town of Southwick - Request for Information

Adult Use Marijuana Retail Establishments

The Town of Southwick (the “Town™”) invites interested parties {“Respondents”) to submit an application in response to this Request for Information (“RFI”) for individuals/companies seeking to operate an **Adult Use Marijuana Retail Establishment** in the Town. Selected Respondent(s) may be invited to negotiate a Host Community Agreement with the Select Board (the “Board”) and move forward with the local permitting and licensing processes.

This is not a binding Request for Proposals (RFP), but an invitation for interested parties to submit an “Adult Use Marijuana Retail Establishment Plan” to the Town. The Town will use the RFI submittals to gauge interest and determine suitability of Respondents. Following analysis of the RFI submittals, the Town reserves the right to enter into negotiations with Respondents to the RFI for a Host Community Agreement. Respondents interested in any available licenses issued by the Cannabis Control Commission should follow this process.

The RFI is available at https://www.southwickma.org/mj_rfi

The Town voted on December 5, 2023 to amend its zoning bylaw Chapter 185, §135.2 to limit the number of Marijuana Retailers to TWO (b). The Town is accepting responses for its two Marijuana Retailer licenses to be issued by the Cannabis Control Commission. The deadline for submission of the RFI is **June 7, 2024**.

Overview of Application Process

The information provided will be evaluated independently by the Select Board members and ranked based on the criteria in Appendix A to determine which respondents have presented proposals deemed to be in the best interests of the Town. Select Board members may independently confer with other departments and experts in their evaluations.

The Board members’ independent rankings will be forwarded confidentially to the Chief Administrative Officer and scheduled for public review and discussion in a regularly scheduled meeting of the Select Board.

The Town reserves the right to reject any application it deems to be incomplete, however it may, at its discretion, request that the omitted information or further clarifications be provided by the Respondent.

Respondents may be asked to appear before the Select Board to present their information in person and respond to questions.

Further consideration by the Board may include, but is not limited to, negotiation of a Host Community Agreement with the recommended Respondent(s).

Submission Requirements

Respondents shall submit one electronic copy of RFI proposal and **6 hard copies** of RFI proposals in an envelope clearly marked "Adult Use Marijuana Retail Establishment RFI." **One hard copy** of information regarding security and any other information considered proprietary shall be sealed in an inner envelope marked "Confidential." All hard copy submittals shall be delivered to:

Lisa Anderson
Select Board Office
454 College Highway
Southwick, MA 01077

And, electronically to landerson@southwickma.gov

Included in the envelope shall be a nonrefundable check made out to "Town of Southwick" in the amount of **\$750.00** to cover the cost of the RFI review and evaluation, including legal and expert consultation, as may be necessary. Each RFI submission shall include the following information:

1. Cover Letter -

Please submit a letter summarizing the Respondent's proposal and include the type of marijuana establishment to be operated, the proposed location (if known), whether intended to be leased or owned, the names of all principals, their employment history, experience and qualifications, principals' knowledge and history with the Town, the main contact information for negotiations, and the principals indications as to why this establishment should be given a license to operation the Town of Southwick over others.

2. Application of Intent -

- a. Documentation that the entity applying for the Marijuana Establishment license with the CCC is an entity registered to do business in Massachusetts.
- b. Documentation that the entity applying for the Marijuana Establishment license is an entity registered with a current business certificate in The Town of Southwick. (See Business Certificate Packet information at https://www.southwickma.org/sites/g/files/vyhlif1241/f/uploads/bus_cert_app_packet_3.pdf)
- c. Certificate of good standing, issued within the previous 90 days from submission of RFI from the Corporations Division of the Secretary of the Commonwealth.
- d. A list of all Persons or Entities having Direct or Indirect Control of the Marijuana Establishment, as defined in 935 CMR 500.002, and include percentage of ownership interest of each party.
- e. Documentation detailing the amounts and sources of capital resources available to the Respondent from any individual or entity that will be contributing capital resources for purposes of establishing or operating the Marijuana Establishment. (Refer to CMR500.101 (1)(a)4 and (1)(a)5)
- f. Documentation of the proposed address for the Marijuana Establishment and evidence of property interest or site control in the form of clear title, an option to purchase, a legally enforceable agreement to give title, or documentation evidencing legal authorization to use the premises, such as a lease or option to lease.

- g. Evidence that the proposed location complies with applicable buffer zones and zoning requirements in the form of a survey plan or GIS mapping showing the location and all properties and uses within applicable buffers as set forth in the Town's Zoning Bylaws.

References:

<https://ecode360.com/10448337> for Planning Board zoning information;
https://www.southwickma.org/sites/g/files/vyhlif1241/f/uploads/2023.12.05_doings_art3.pdf for marijuana bylaw information;
https://www.southwickma.org/sites/g/files/vyhlif1241/f/uploads/special_permit.pdf for special permit application requirements;
<https://www.southwickma.org/node/421/files> for Conservation Commission/Wetlands information

3. Management and Operations Profile -

- a. Timeline for achieving operation of the Marijuana Establishment and evidence the Marijuana Establishment will be ready to operate within the timeline. (Refer to CMR500.101(1)c(5))
- b. Demonstration of Marijuana Establishment's plan to obtain liability insurance policy.
- c. Detailed operating policies and procedures from the Marijuana Establishment, including, but not limited to, the following (*to the extent applicable to the proposed operations*):
 - i. Security
 - ii. Personnel policies
 - iii. Prevention of diversion of marijuana to minors or the illicit market
 - iv. Marijuana storage
 - v. Transportation and onsite deliveries both to and from the Marijuana Establishment
 - vi. Delivery to customers
- d. Qualifications of all Close Associates with managerial or operational control, excluding principals/owners, including experience in other Marijuana Establishments.
- e. Disclosure of ownership interest of any Person Having Direct or Indirect Control of the proposed Marijuana Establishment in any other licensed Marijuana Establishments within the Commonwealth or elsewhere (license pending or otherwise approved).
- f. Training plans for employees
- g. If applicable, disclosure and full details of any plans to expand operations of other types of Marijuana Establishment in the Town at a future date.
- h. Financial summary of proposed acquisition and build and/or remodel, and major startup costs anticipated (Refer to CMR500.101(1)c(7))
- i. Business plan and 3 year financial forecast, including revenues, product costs, number of employees each year (excluding officers/owners) salaries and benefits, taxes, marketing and all other expenses. Include description of basis for any estimates. (Refer to CMR500.101(2)e(2))
- j. Description and demonstration of securing all necessary funding sources for startup and ongoing operations. (Refer to CMR500.101 (1)(a)4 and (1)(a)5))

4. Plan for Positive Community Impacts -

- a. Proposed hours of operation.
- b. Proposal for ensuring the protection of public health.
- c. Proposal for full and part-time employment, compensation, and anticipated benefits packages for employees.
- d. A proposal demonstrating municipal benefits the Marijuana Establishment will provide to the Town, financial or otherwise.
- e. Diversity plan to promote equity among minorities, women, veterans, people with disabilities, people of all gender identities and sexual orientation.
- f. Plan for environmental sustainability in cultivation, manufacturing, and sourcing of retail products and within the overall operation of the marijuana establishment, including local sourcing wherever possible.
- g. Status as Economic Empowerment or Social Equity Applicant.

Application Review

Applications will be subject to detailed reviewed by the Select Board as to whether a Respondent has met the minimum criteria to move forward for negotiation of a Host Community Agreement. In the case of Marijuana Retailers for which there are a limited number of licenses, the evaluation will include a ranking of Respondents based on the review criteria in Appendix A. The Select Board will assign numeric rankings and weight to the various review criteria in Appendix A to determine which respondents have presented proposals deemed to be in the best interest of the Town.

The Town does not discriminate on the basis of race, sex, age, color, national origin, religion, genetic identity, disability, gender identity or expression, marital or parental status, sexual orientation, transgender status, veteran status, or any other protected status.

Selection Process

Respondents deemed qualified by the Select Board may be invited to enter into negotiations with the Board, which may include, but is not limited to, negotiation of a Host Community Agreement.

To augment the information provided in the submittal, additional information, interviews and/or presentations may be required by the Select Board.

The Board reserves the right to reject any and all applications deemed not to be in the Town's best interest.

Neither the Town, its Board, employees or any of its agents, attorneys, consultants or officials will be liable for any costs incurred by the Respondent for preparation of their response to this RFI or their participation in subsequent interviews or presentations.

Compliance with RFI Requirements

Respondents providing submissions to this RFI are expected to follow its requirements. Failure to comply with the requirements of any portion of this RFI may result in disqualification from the review process.

Ownership of Documents

Any material submitted by Respondents shall become the property of the Town.

Public Record

Any personal or financial identifiers (e.g. SSNs, bank account numbers, etc.) contained in submittal documents **shall be redacted by the Respondent prior to submittal**. All information contained in submittals and redacted as above may be open for public inspection.

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ADDENDUM A

REVIEW CRITERIA

The responses to the Adult Use Marijuana Retail Establishment RFI shall be reviewed in accordance with the following review criteria with respect to the Respondent(s) the Select Board considers to have submitted proposals deemed to be in the best interest of the Town. The Select Board may, in its discretion, develop and implement a numeric or other ranking system for Respondents, assign weight to the various review criteria; and expand upon the general review categories listed below by breaking down general categories into subparts:

- Respondent demonstrates knowledge and understanding of licensing procedures
- Respondents management and operations team demonstrates prior experience in commercial cannabis ventures or other relevant experience in relevant fields
- Respondent has presented high quality and well-formulated management and operations plans
- Respondent has presented high quality and comprehensive security plans
- Respondent has established a comprehensive plan to prevent diversion of marijuana to minors and/or the illegal market.
- The Respondent's proposal demonstrates market and financial feasibility
- The Respondent s has an acceptable development timeline and ability to bring the proposed Marijuana Retail Establishment to timely commencement
- The Respondent has proposed a location appropriate for the proposed use given the scale and nature of the use, including but not limited to potential impacts on parking and traffic
- The Respondent has made financial commitments and other proposals for positive community impact
- The Respondent s proposal fits within the Town's goals for geographic diversity in the locations (considering buffers between proposed location and other Marijuana Establishments, schools, neighborhoods, etc.)
- The Respondent has addressed the potential detrimental municipal impacts and proposed acceptable mitigation measures.
- The Respondents qualifications as Economic Empowerment/Social Equity Applicants.

In the event of a ranked tie between Respondents, additional consideration shall be granted to Respondents qualified as Economic Empowerment/Social Equity Applicants.