



COUNTY OF ALAMEDA

REQUEST FOR PROPOSAL

For East County

Medical Cannabis Dispensary Operator Permits (“MCDOP”)

For complete information regarding this project, see RFP posted at <https://www.acgov.org/cda/planning/landuseprojects/medical-cannabis.htm> or contact the County representative listed below.

Contact Person: Liz McElligott, Assistant Planning Director

Phone Number: (510) 670-5400

E-mail Address: elizabeth.mcelligott@acgov.org

RESPONSE DUE

by

5:00 p.m.

on

13th November 2017

at

**Alameda County, CDA-Planning
224 West Winton Avenue, Suite 111
Hayward, CA 94544**



Alameda County is committed to reducing environmental impacts across our entire supply chain. If printing this document, please print only what you need, print double-sided, and use recycled-content paper.



COUNTY OF ALAMEDA
REQUEST FOR PROPOSAL
for East County
Medical Cannabis Dispensary Operator Permits (“MCDOP”)

TABLE OF CONTENTS

	Page
I. DISPENSARY PERMIT PROCESS OVERVIEW	4
A. INTENT	4
B. BACKGROUND	4
II. CALENDAR OF EVENTS	5
III. PRE-APPLICATION PROCESS	6
A. APPLICANT INFORMATION SESSIONS	6
B. RFP ADDENDUM (RESPONSE TO QUESTIONS)	6
C. APPLICANT AND EMPLOYEE INFORMATION	7
IV. APPLICATION REVIEW AND EVALUATION PROCESS	8
A. INITIAL APPLICATION EVALUATION	8
B. FINAL APPLICATION EVALUATION	11
C. NOTICE OF INTENTION TO GRANT	18
D. GRANT OF PERMIT(S)	19
E. FEES	20
V. INSTRUCTIONS TO APPLICANTS	20
A. COUNTY CONTACTS	20
B. SUBMITTAL OF APPLICATIONS	21
C. RESPONSE FORMAT	23

ATTACHMENTS

EXHIBIT A – APPLICATION RESPONSE PACKET

EXHIBIT B - SITE, APPLICANT AND EMPLOYEE INFORMATION

I. DISPENSARY PERMIT PROCESS OVERVIEW

A. INTENT

Thank you for your interest in applying for an East County Medical Cannabis Dispensary Operator Permit (“Permit”) pursuant to Chapter 6.108 of the Alameda County Ordinance Code (“Ordinance Code”).

This Request for Proposals (“RFP”) outlines the process for solicitation of permit applications (“Applications”) and selection of the Applicants who will be granted Permits. The County intends to grant a maximum of two (2) Permits in the East County to the Applicants whose responses conform to the RFP, meet the County’s requirements, and are ranked highest in the competitive selection process described below. This Permit is the first of two permits required to operate a commercial medical cannabis dispensary in the Unincorporated Area of Alameda County.

The successful Applicants will be offered a Permit, subject to specified operating conditions and standard conditions. Each Permit shall expire two (2) years after the date of its issuance. If the Applicant(s) certify acceptance of the operating conditions and standard conditions of the Permit, the Applicant(s) will be eligible to apply for a Conditional Use Permit (“CUP”) for a cannabis dispensary pursuant to Title 17 of the Alameda County General Ordinance Code (“Zoning Ordinance”).

A Medical Cannabis Dispensary Operator Permit (MCDOP) and a Conditional Use Permit (CUP) must be obtained prior to commencement of operation of a medical cannabis dispensary.

B. BACKGROUND

On September 12, 2017, the Alameda County Board of Supervisors approved an ordinance adding Chapter 6.108 to the Ordinance Code and an ordinance introducing amendments to Sections 17.04.010, 17.06.040, 17.38.030, and 17.40.030 of the Zoning Ordinance to authorize and regulate medical cannabis dispensaries in the Unincorporated Area of the County.

Chapter 6.108 of the Ordinance Code allows for the approval of up to two (2) Permits for medical cannabis dispensaries in the East County subject to the processes and relevant considerations for application, review, and selection of Permits detailed in Sections 6.108.030 to 6.108.060 and 6.108.090 to 6.108.120 of Chapter 6.108.

The purpose of the program permitted under these sections is to allow for the dispensing of medical cannabis in appropriate locations to help ensure that medical cannabis will be available to patients in need of it while preserving the character, health and safety of the surrounding area.

Chapter 6.108 of the Ordinance Code identifies several decision-making and administrative processes which are required to be conducted by the Director of the Community Development Agency (“CDA”) or his designee. For the purposes of permitting medical cannabis dispensaries, the CDA Director has designated the Planning Director as his designee.

II. CALENDAR OF EVENTS

EVENT	DATE/LOCATION
County post Request for Proposals (RFP)	16 th October 2017
Applicant Information Session #1	18 th October 2017 @ 2:00 p.m at: Martinelli Center, Executive Conference Room, 3585 Greenville Road, Livermore, CA 94550
Applicant Information Session #2	19 th October 2017 @ 10:00 a.m at: Alameda County Public Works Building Auditorium, First Floor 399 Elmhurst Street, Hayward, CA 94544
Applicants submit Written Questions to the County by email	by 5:00 p.m. on 23 rd October 2017
Last date for Applicants to submit Exhibit B – Site, Applicant and Employment Information to the County by email for verification and background checks by the Sheriff	by 5:00 p.m on 27 th October 2017
County post RFP Addendum (Response to Questions)	by 27 th October 2017
Applicants submit Application (Exhibit A – Application Response Packet) and pay Application Fee	by 5:00 p.m on 13 th November 2017
Initial Evaluation Period	13 th November to 17 th November 2017
County notify Applicants outcome of Initial Evaluation	by 17 th November 2017
Last date for successful Applicants to pay Final Selection Fee	by 5:00 p.m. on 28 th November 2017
Last date for Applicants notified of incomplete or incorrect applications to amend and refile Application	by the earlier of 10 days from the date Notice of Rejection issued or by 5:00 p.m on 27 th November 2017

Final Evaluation Period	20 th November to 14 th December 2017
Applicant Interview Period	4 th December to 14 th December 2017
County issue Notice of Intention to Grant to highest ranked Applicants	15 th December 2017
Last date for Applicant to accept or appeal Operating Conditions contained in Notice of Intention to Grant and pay Permit Issuance Fee	by 5:00 p.m. on 28 th December 2017
County issue Permits	When Applicant certifies acceptance of Operating Conditions and Permit Issuance Fee has been paid

Note: The dates in the above Calendar of Events are subject to amendment by the County if required as the process progresses.

III. PRE-APPLICATION PROCESS

A. APPLICANT INFORMATION SESSIONS

Applicants are strongly encouraged, but not required, to attend either one of the two Applicant Information Sessions identified in the Calendar of Events. The Applicant Information Sessions will:

- Provide the County with an opportunity to present more detail about the RFP and Selection Process; and
- Provide an opportunity for Applicants to ask specific questions about the permitting process and requirements and request RFP clarification.

If you require further information regarding information session arrangements or have any difficulty locating the meeting room, please contact Maria Palmeri (details below):

Maria Palmeri
Alameda County Planning Department
224 W. Winton Avenue, Rm 111, Hayward, CA 94544
E-Mail: maria.palmeri@acgov.org
PHONE: (510) 670-5421

B. RFP ADDENDUM (RESPONSE TO QUESTIONS)

Following the Applicant Information Sessions, Applicants have the opportunity to submit in writing to the County any questions of clarification regarding the RFP. Questions are required to be submitted by email to elizabeth.mcelligott@acgov.org by the due date for Written Questions specified in the Calendar of Events.

The County will issue an RFP Addendum which will be posted on the County website following the Applicant Information Sessions. The RFP Addendum will address all relevant questions:

- Raised in the Application Information Sessions; and
- Submitted by email to elizabeth.mcelligott@acgov.org by the due date for Written Questions specified in the Calendar of Events.

C. APPLICANT AND EMPLOYEE INFORMATION

Prior to submitting the Application, Applicants are required to complete Exhibit B - Site, Applicant and Employee Information and submit it by email to elizabeth.mcelligott@acgov.org by the date specified in the Calendar of Events.

The information in Exhibit B is required to enable the Sheriff's Office to verify the information required under Ordinance Code Section 6.108.060.A.1-10 and Section 6.108.100.A.4, including the requirements that:

- The Applicant must be eighteen (18) years of age or older;
- A background check is required for every owner, manager, supervisor and employee specified in the Application; and
- No person convicted of a felony within the past three years may be actively engaged in the dispensary operation (Alameda County Ordinance Code Section 6.108.100.A.4). A conviction means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Individuals with a drug violation which was reclassified from a felony to a misdemeanor by Proposition 47 must have taken the necessary action to have their violation reclassified to prevent it from appearing as a felony on the background check.

In addition to submitting Exhibit B - Site, Applicant and Employee Information to CDA-Planning by email, the specified personnel identified in Exhibit B will be required to attend the County Sheriff's Office to complete a background check. **Applicants should contact the County Sheriff's Office at (510) 667-3620 or by email at acsopermits@acgov.org as soon as possible to schedule an appointment for each person to submit the required information for a background check, to be fingerprinted and to be photographed for identification purposes.** A fee of \$57.00 per person must be paid at the time of the appointment to cover the cost of the fingerprinting.

IV. APPLICATION REVIEW AND EVALUATION PROCESS

A. INITIAL APPLICATION EVALUATION

1. **Initial Review:** Applicants are required to complete the Application Response Packet provided in Exhibit A. After the County receives an Application, the Initial Application Evaluation will begin, using the criteria outlined in Table A below. During the Initial Application Evaluation, the following County agencies will review and comment on specific portions of the Application (Ordinance Code Section 6.108.090.A):
 - The Sheriff will be responsible for verifying the factual information in the Application, including names, addresses and other information on the Applicant and employees of the proposed dispensary, as required in Ordinance Code Section 6.108.060.A.1-10.
 - The Sheriff will comment on the adequacy of security measures that are described in the application, the security plan, the floor plan, and other relevant aspects of the Application.
 - The Community Development Agency will comment on:
 - The requirement that no permit shall be issued for a dispensary within five miles of another dispensary in the area shown in Exhibit B (East County) or within one mile of a permitted dispensary location in an incorporated city (Ordinance Code Section 6.108.030.D.2);
 - The requirements that:
 - No dispensary may be closer than one thousand (1,000) feet from any other dispensary (Ordinance Code Section 6.108.030.E.1);
 - No dispensary may be closer than one thousand (1,000) feet from any school, any licensed child or day care facility, public park or playground, drug recovery facility or recreation center (Ordinance Code Section 6.108.030.E.2); and
 - No dispensary shall be located in a residential zone or its equivalent (Ordinance Code Section 6.108.030.E.3);
 - The general responsiveness to the solicitation process in Ordinance Code Section 6.108.050;
 - The proposed location's compliance with zoning regulations;
 - The conditions that are needed to mitigate adverse impacts on surrounding uses.

- The Health Care Services Agency will comment on the services to be provided and the mission statement set forth in the Application.
 - The Environmental Health Department will comment upon the application's compliance with the requirements of Section 6.108.190.
2. **Application Completeness:** After the Initial Application Evaluation, the Planning Director will reject any Application that has been deemed to be improperly completed or incomplete, and will notify the Applicant of the rejection. The Applicant may amend and refile the application within 10 days after receiving notification from the Planning Director. If an Amended Application is not received within 10 days of notification or if the Amended Application is still deemed to be improperly completed or incomplete, the Application will receive no further consideration. (Ordinance Code Section 6.108.090.B)
3. **Completion of the Initial Review:** Upon completion of the Initial Application Evaluation, the Planning Director will reject any Application that meets any of the following criteria (Ordinance Code Section 6.108.100.A):
- The proposed dispensary does not comply with requirements of Chapter 6.108 of the Ordinance Code.
 - The Applicant has knowingly made a false statement of material fact or has knowingly omitted a material fact from the Application.
 - The operation of the proposed dispensary at the proposed location is prohibited by any state or local law or regulation.
 - Any person who is listed on the Application pursuant to subsection (A)(10) of Section 6.108.060 has been convicted of a felony within the past three (3) years. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
 - The Applicant or operator listed in the Application is less than eighteen (18) years of age.
 - The Health Care Services Agency has determined that the application for a dispensary has failed to state a health care purpose that fulfills the purposes of Section 11362.5 et seq. of the California Health and Safety Code.
4. **Determination of Eligible Applications:** Any Application that is not rejected upon completion of the Initial Application Evaluation will be deemed an Eligible Application and will be submitted to the Final Application Evaluation phase of the solicitation process. At the conclusion of the Initial Application Evaluation, the Planning Director will notify each Applicant of the results of the Initial Application Evaluation of their Application. All

Applications that pass the Initial Application Evaluation will be submitted to the County Selection Committee (“CSC”) for Final Application Evaluation.

5. **Initial Evaluation Criteria:** The Initial Evaluation Criteria, which will be determined on a Pass/ Fail basis, are as follows.

TABLE A		
INITIAL EVALUATION CRITERIA		
	Evaluation Criteria	Evaluation Measure
A.	<p>Background Check:</p> <p>If any person listed on the Application as an owner, manager, supervisor or employee for the proposed dispensary fails to pass a background check, the Application will be rated a Fail in the Evaluation Criteria and will receive no further consideration.</p>	Pass/ Fail
B.	<p>Completeness of Application:</p> <p>An Applicant must amend and refile an Application within 10 days after receiving notification that the application has been deemed by the Planning Director to be improperly completed or incomplete (Ordinance Code Section 6.108.090.B). If an Amended Application is not received within 10 days of notification or if the Amended Application is still deemed to be improperly completed or incomplete, the Application will be rated a Fail in the Evaluation Criteria and will receive no further consideration.</p>	Pass/Fail
C.	<p>Compliance with Ordinance Code Section 6.108.100.A:</p> <p>Any Application that meets any of the criteria in Section 6.108.100.A. of the Ordinance Code will be rated a Fail in the Evaluation Criteria and will receive no further consideration.</p> <p>Assessment of compliance with the requirements of Chapter 6.108 includes consideration of the following requirements in Section 6.108.030.D.2 and 6.108.035.E.1-3:</p> <ul style="list-style-type: none"> • The proposed dispensary site must be within the East County, as shown on the map contained in Exhibit B of Chapter 6.108 of the Ordinance Code. 	Pass/Fail

	<ul style="list-style-type: none"> ● No permit shall be issued for a dispensary within: <ul style="list-style-type: none"> ○ five (5) miles* of another dispensary in the unincorporated area shown in Exhibit B of Chapter 6.108 (East County); or ○ one (1) mile of a permitted dispensary location in an incorporated city. ● Each dispensary shall comply with the zoning requirements in the Zoning Ordinance, the Alameda County General Plan and any Specific Plan applicable to the location of the dispensary, and shall meet all of the following locational standards: <ul style="list-style-type: none"> ○ No dispensary may be closer than one thousand (1,000) feet from any school, any licensed child or day care facility, public park or playground, drug recovery facility or recreation center. ○ No dispensary shall be located in a residential zone or its equivalent. <p>*Because compliance with the 5-mile spacing requirement cannot be evaluated in advance, confirmation of compliance with this requirement will be deferred until after the Applications are scored in the Final Evaluation Process.</p>	
--	---	--

B. FINAL APPLICATION EVALUATION

1. **Final Selection Process:** The Final Application Evaluation phase of the solicitation process will include selection from the eligible Applications and the establishment of Operating Conditions for any permits issued to the selected eligible Applicants. The County’s goal is to grant Permits to the Applicants that represent the best quality applications as determined by the combined weight of the evaluation criteria. The County intends to grant up to two (2) Permit(s):

- If the number of eligible applications is the same as or less than two (2), then all eligible Applications will be submitted for establishment of Operating Conditions.
- If the number of eligible applications exceeds two (2), then a competitive evaluation process will be conducted in which Applicants are scored and ranked with the Planning Director recommending issuance of a Permit to the highest ranked, eligible applicants that meet the spacing requirements of Section 6.108.030.D.2.

- If the proposed locations of the two highest ranked Applications are within 5 miles of one another, the highest ranked Applicant will be submitted for establishment of Operating Conditions and the second highest ranked application will be deemed ineligible due to failure to comply with the spacing requirement (see Table A, Section C). The Director may then recommend issuance of the second permit to the next highest ranked, eligible applicant(s).

Note that Applicants wishing to propose more than one location must submit complete, separate applications for each proposed location. Each Application will be evaluated separately. (Ordinance Code Section 6.108.110)

2. **County Selection Committee (“CSC”):** If the number of Eligible Applications exceeds two (2), the CSC will evaluate and score each eligible application in accordance with the Final Evaluation Criteria set forth below in Table B. The CSC will be composed of County staff comprising representatives of the Planning Department, the Environmental Health Department and the Sheriff’s Office. The evaluation of the Applications shall be within the sole judgment and discretion of the CSC.

All contact during the evaluation phase shall be through CDA-Planning staff only. Applicants shall neither contact nor lobby evaluators during the evaluation process. Attempts by any Applicant to contact and/or influence members of the CSC may result in disqualification of the Applicant.

3. **Assessment of Final Evaluation Criteria:** Each of the Final Evaluation Criteria below will be used in ranking and determining the quality of Applications. Applications will be evaluated according to each Final Evaluation Criteria, and scored on the zero to five-point scale outlined below. The scores for all Final Evaluation Criteria will then be added, according to their assigned weight (below), to arrive at a weighted score for each proposal. An Application with a high weighted total will be deemed of higher quality than an Application with a lesser-weighted total. The final maximum score for any project is 550 points, including the local agricultural community commitment points (maximum 10% of final score).

The Final Evaluation Process may include a two-stage approach comprising an evaluation of the written application and preliminary scoring (Stage 1) to develop a short list of Applicants that will continue to the final stage of oral interviews and site visits (Stage 2). The preliminary scoring will be based on the total points, excluding points allocated to the oral interview and site visit.

If the two-stage approach is used, up to eight Applicants receiving the highest preliminary scores and with at least 200 points will be invited to an oral interview and asked to host a site visit. All other Applicants will be deemed eliminated from the process at this point.

All Applicants will be notified of the short list; however, the preliminary scores at that time will not be communicated.

The zero to five-point scale range is defined as follows:

0	Not Acceptable	Non-responsive, fails to meet RFP specification. The application has no probability of success. If a mandatory requirement this score will result in disqualification of proposal.
1	Poor	Below average, falls short of expectations, is substandard to that which is the average or expected norm, has a low probability of success in achieving objectives per RFP.
2	Fair	Has a reasonable probability of success, however, some objectives may not be met.
3	Average	Acceptable, achieves all objectives in a reasonable fashion per RFP specification. This will be the baseline score for each item with adjustments based on interpretation of proposal by CSC members.
4	Above Average / Good	Very good probability of success, better than that which is average or expected as the norm. Achieves all objectives per RFP requirements and expectations.
5	Excellent / Exceptional	Exceeds expectations, very innovative, clearly superior to that which is average or expected as the norm. Excellent probability of success and in achieving all objectives and meeting RFP specification.

4. **Final Evaluation Criteria:** The Final Evaluation Criteria and their respective weights are as follows:

TABLE B		
FINAL EVALUATION CRITERIA – STAGE 1		
	Evaluation Criteria	Weight
A.	<p>Security Plan (Ordinance Code Section 6.108.060.A.11):</p> <p>An adequate Security Plan must contain a detailed description of the proposed security arrangements for ensuring the safety of persons from theft and robbery and protection of the premises from theft and burglary.</p> <p>The Security Plan must:</p> <ul style="list-style-type: none"> • be submitted for review by the Sheriff; • include a lighting plan showing existing and proposed exterior premises and interior lighting levels; • include alarms and security surveillance cameras; • demonstrate that security video shall be maintained for 30 business days and shall be made available to the Sheriff upon request. The video system for security cameras must be located in a locked, tamper-proof compartment. A professionally monitored robbery alarm system shall be installed and maintained in good working condition; and • include the provision of a suitable locked safe on the premises for after-hours storage of medical cannabis. <p>In evaluating this criterion, the CSC will have regard to the comments of the Sheriff (Section 6.108.090.A.2).</p>	20 Points
B.	<p>Appropriateness of Site and Design of Proposed Facility (Ordinance Code Section 6.108.060.A.12&13 and 17.06.040, 17.38.030 and 17.40.030, as applicable):</p> <p>The proposed dispensary site:</p> <ul style="list-style-type: none"> • conforms with all applicable zoning requirements, • is consistent with the setbacks required in Sections 	20 Points

	<p>6.108.030.D.2 and 6.108.030.E of the County General Code,</p> <ul style="list-style-type: none"> ● provides adequate car parking; ● provides adequate customer access from a county road, and through proximity to population centers, ● is consistent with the Floor Area Ratio restrictions in Measure D, included in the land use description section of the East County Area Plan (ECAP), and ● minimizes visual impacts with appropriate measures, including fencing and screening. <p>In evaluating this criterion, the CSC will have regard to the comments of the Community Development Agency in relation to the proposed location’s compliance with zoning regulations (Section 6.108.090.A.3).</p>	
<p>C.</p>	<p>Operating Plan (General Code Section 6.108.060.A.21):</p> <p>The Operating Plan must specifically describe how the dispensary will operate consistent with state and local law, including but not limited to:</p> <ul style="list-style-type: none"> ● the minimum staffing levels for operation of the dispensary; ● policies and procedures for record keeping; ● specific details of the dispensary’s track and trace program; ● specific details of the dispensary’s product testing; ● specific details of the dispensary’s proposed odor absorbing ventilation and exhaust systems; ● other relevant information regarding the operation of the proposed dispensary; and ● a copy of the dispensary’s labor peace agreement when the dispensary is required by California Business & Professions Code Section 26051.5 to enter into or abide by a labor peace agreement. <p>If the operation of the dispensary is proposed to include the sale of edibles, the Operating Plan must include a description of how the dispensary will achieve compliance</p>	<p style="text-align: right;">20 Points</p>

	<p>with the requirements for the packaging and labelling of edibles in Ordinance Code Section 6.108.190.B. In evaluating compliance with Ordinance Code Section 6.108.190, the CSC will have regard to the comments of the Department of Environmental Health (Section 6.108.090.A.2).</p>	
<p>D.</p>	<p>Mitigation of Potential impacts (Ordinance Code Section 6.108.060.A.16):</p> <p>The Application must include a description of the methods by which the applicant will mitigate any potentially adverse impacts, such as loitering, traffic, light, odors or noise, on surrounding property owners.</p> <p>The dispensary shall be designed to provide sufficient odor absorbing ventilation and exhaust systems so that any odor generated inside the dispensary is not detected outside the building in which it operates, on adjacent public rights-of-way or within other units located within the same building as the dispensary if it occupies only a portion of the building.</p> <p>In evaluating this criterion, the CSC will have regard to the comments of the Community Development Agency in relation to the conditions that are needed to mitigate adverse impacts on surrounding uses (Ordinance Code Section 6.106.090.A.3).</p>	<p>10 Points</p>
<p>E.</p>	<p>Environmental Considerations</p> <p>The Application must describe any proposed "green" business practices relating to energy and climate, water conservation, and materials and waste management.</p> <p>Examples of "green" practices could include energy efficiency and renewable energy, the use of green building measures, and conservation and recycling/re-use programs, among others.</p>	<p>5 Points</p>
<p>F.</p>	<p>Community Benefit:</p> <p>Applicants must provide a description of a proposed Community Benefits Program.</p> <p>Examples of benefits could include, but are not limited to, supporting or funding community programs, employment</p>	<p>5 Points</p>

	and job training programs, local substance abuse, cannabis youth education, or domestic violence programs, or other activities that benefit the residents of the County.	
FINAL EVALUATION CRITERIA – STAGE 2 (OPTIONAL)		
G.	Oral Interview: The oral interview on the Application shall not exceed 60 minutes. The oral interview may include responding to standard and specific questions from the CSC regarding the Application.	10 Points
H.	Site Visit: The CSC may arrange an inspection of the site to enable the CSC to review the Application having regard to relevant site features and constraints.	10 Points
LOCAL AGRICULTURAL COMMUNITY COMMITMENT		
I.	Local Commitment: Points equaling up to ten percent of the Applicant’s total score for the above Final Evaluation Criteria (Stage 1 + Stage 2) will be added based on the extent to which the Applicant(s) demonstrate an historic and/or a long-term commitment to improving the local agricultural community.	Ten Percent (10%)

Note: The assessment based on the Final Selection Criteria will be the Applicant’s final score for the purposes of grant evaluation.

5. **CSC Recommendations:** Applications will be evaluated by the CSC and ranked in accordance with the Final Evaluation Criteria. The CSC will recommend the grant of a Permit to the Applicant(s) who, in its opinion, has submitted the Application that attains the highest overall point score. On receiving the CSC’s recommendations, the Planning Director shall recommend issuance of a Permit(s) to the highest ranked, eligible applicants, that meet the spacing requirements of Section 6.108.030.D.2 (as discussed more fully in Sections IV.A.5 and IV.B.1 above), subject to Operating Conditions.
6. **Operating Conditions:** Prior to issuing Notice of Intention to Grant a Permit(s), the Planning Director shall establish Operating Conditions for each Permit (General Code Section 6.108.110.C), in addition to the Standard Conditions contained in Section 6.108.120. The Operating Conditions for each Permit shall:

- a. Be limited to the conditions necessary to carry out the purpose of Chapter 6.108 and to mitigate specific and foreseeable adverse impacts on properties in the vicinity (General Code Section 6.108.110.C);
- b. Include the requirement for the Applicant to obtain (General Code Section 6.108.110.E):
 - (1) Any required state permits or licenses for the operation of a dispensary, if and when applicable; and
 - (2) All land use entitlements required to operate a dispensary, if and when applicable.

C. NOTICE OF INTENTION TO GRANT

1. At the conclusion of the final selection process, all Applicants will be notified in writing by personal delivery or certified US Mail, postage prepaid, return receipt requested, of the Permit grant recommendations, if any, by CDA-Planning.
2. Successful Applicants will receive a Notice of Intention to Grant, providing the following information:
 - a. Confirmation that the Applicant's Application was successful and is being recommended for grant of a Permit pursuant to this RFP;
 - b. The Operating Conditions that would attach to the Permit; and
 - c. The name of all Applicant(s) who are being recommended for grant of a Permit pursuant to this RFP.
3. Unsuccessful Applicants will receive notice in writing providing the following information:
 - a. Notification that the Applicant's Application was unsuccessful; and
 - b. The name of all Applicant(s) who are being recommended for grant of a Permit pursuant to this RFP.
4. An Applicant who has received a Notice of Intention to Grant shall, within ten (10) days after receiving that notice, either (General Code Section 6.108.110.D):
 - a. Certify acceptance of the Operating Conditions, including the standard conditions, of the Permit; or
 - b. Refuse to certify acceptance of the Operating Conditions.

D. GRANT OF PERMIT(S)

1. If the Applicant certifies acceptance of the Operating Conditions within ten (10) days, the Permit shall be issued immediately by CDA-Planning. If the Applicant refuses or fails to certify acceptance of the Operating Conditions within ten (10) days, the Application shall be denied.
2. The County reserves the right to reject any or all responses that materially differ from any terms contained in this RFP or from any Exhibits attached hereto, to waive informalities and minor irregularities in responses received, and to provide an opportunity for Applicants to correct minor and immaterial errors contained in their submissions. The decision as to what constitutes a minor irregularity shall be made solely at the discretion of the County.
3. Any Applications that contain false or misleading information may be disqualified by the County.
4. The County reserves the right to grant the Permit(s) to a single or multiple Applicant(s).
5. The RFP specifications, terms, conditions and Exhibits, RFP Addenda and Applicant's Application, may be incorporated into and made a part of any Permit that may be granted as a result of this RFP.
6. The procedures regarding appeals from administrative determination are provided in Ordinance Code Sections 6.108.130 - 6.108.150. As outlined in the Ordinance, an Applicant may appeal a decision made by the Planning Director that an Application is incomplete, that an Application does not comply with the requirements of Ordinance Code Section 6.108.100, in relation to the establishment or modification of Operating Conditions or the refusal to grant a Permit. The appeal must be filed within 10 days following the issuance of the decision. The appeal will be considered at a public hearing by an Administrative Panel. The Applicant may file an appeal to the Board of Supervisors of the decision of the Administrative Panel within 10 days following the issuance of the decision. The Board of Supervisors will consider the appeal at a public hearing at which the Board may grant or deny the appeal or impose, delete or modify operating conditions of the permit.

E. FEES

1. Each Applicant progressing through the stages of the evaluation process pursuant to this RFP will be required to pay the following fees, on the dates specified in the Calendar of Events:
 - a. Application Fee: \$8,000;
 - b. Final Selection Fee: \$4,000;
 - c. Permit Issuance Fee: \$2,000.
2. Applicants should also be aware that if they successfully obtain a Permit pursuant to this RFP, they may also incur further fees pursuant to the following processes:
 - a. Any appeal pursuant to Alameda County General Code Section 6.108.130, pursuant to which the appellant may be liable to bear the County's reasonable costs associated with an appeal;
 - b. Obtaining a CUP for a dispensary;
 - c. Quarterly monitoring and compliance; and
 - d. A potential future taxation measure, which may be implemented by the County.

V. INSTRUCTIONS TO APPLICANTS

A. COUNTY CONTACTS

CDA-Planning is managing the competitive process for this RFP on behalf of the County. All contact during the competitive process is to be through the CDA Planning Department only, through the contact persons listed below.

The evaluation phase of the competitive process shall begin upon receipt of Applications until a Permit(s) has been granted. Applicants shall not contact or lobby evaluators during the evaluation process. Attempts by an Applicant to contact evaluators may result in disqualification of the Applicant.

The following website will be the official notification posting place of all Requests for Interest, Proposals, Quotes and Addenda:

<https://www.acgov.org/cda/planning/landuseprojects/medical-cannabis.htm>

General Questions Regarding the RFP: Potential Applicants may submit questions regarding ordinance requirements or the contents of this RFP to Planning Department staff by 5:00 p.m. on the due date specified in the Calendar of Events. Responses to all general questions received regarding the RFP or ordinance requirements will be included in the Addendum described above.

Please submit general questions to:

Liz McElligott, Assistant Planning Director
Alameda County Planning Department
224 W. Winton Avenue, Rm 111, Hayward, CA 94544
E-Mail: elizabeth.mcelligott@acgov.org
PHONE: (510) 670-5400

Questions Regarding the Zoning of Specific Properties: If you have a question about the zoning designation of a specific property, please contact the County Permit Center either in person at 399 Elmhurst Street, Hayward; or by phone at: (510) 670-5400.

Questions Regarding Whether a Specific Property Meets Other Ordinance Requirements: If you have a question about whether a specific property meets other ordinance requirements, please direct those questions to:

Rodrigo Orduña, Assistant Planning Director
Alameda County Planning Department
224 W. Winton Avenue, Rm 111, Hayward, CA 94544
E-Mail: rodrigo.orduna@acgov.org
PHONE: (510) 670-5400

B. SUBMITTAL OF APPLICATIONS

1. All applications must be hand delivered and must be received at the CDA Planning Department of Alameda County by 5:00 p.m. on the due date specified in the Calendar of Events.

NOTE: LATE APPLICATIONS CANNOT BE ACCEPTED. PLEASE ALLOW TIME FOR METERED PARKING OR PARKING IN PUBLIC PARKING LOTS.

Applications will be received only at the address shown below, and by the time indicated in the Calendar of Events. Any Application received after said time and/or date or at a place other than the stated address cannot be considered and will be returned to the Applicant.

All Applications must be hand delivered and must be received and time stamped by the Planning Department at the stated address prior to the time designated. The timestamp applied by a Planning Department staff member shall be considered the official submission time for the purpose of establishing the actual receipt of Applications.

2. Applications are to be addressed as follows:

Medical Cannabis Dispensary Operation Permits
East County MCCOP RFP 2017
Alameda County, Planning Department
224 W. Winton Avenue, Rm 111
Hayward, CA 94544

The Applicant's name, return address, and the RFP title (“East County MCDOP RFP 2017”) must also appear on the package.

3. Applicants are to submit one original hardcopy Application (Exhibit A – Application Response Packet, including additional required documentation), with original ink signatures, plus 6 copies of the Application. The original Application is to be clearly marked “ORIGINAL” with copies to be marked “COPY”. All Applications should be printed on plain white paper, and must be in a 3-ring binder (NOT bound). It is preferred that all Applications submitted shall be printed double-sided and on minimum 30% post-consumer recycled content paper. Inability to comply with the 30% post-consumer recycled content recommendation will have no impact on the evaluation and scoring of the Application.

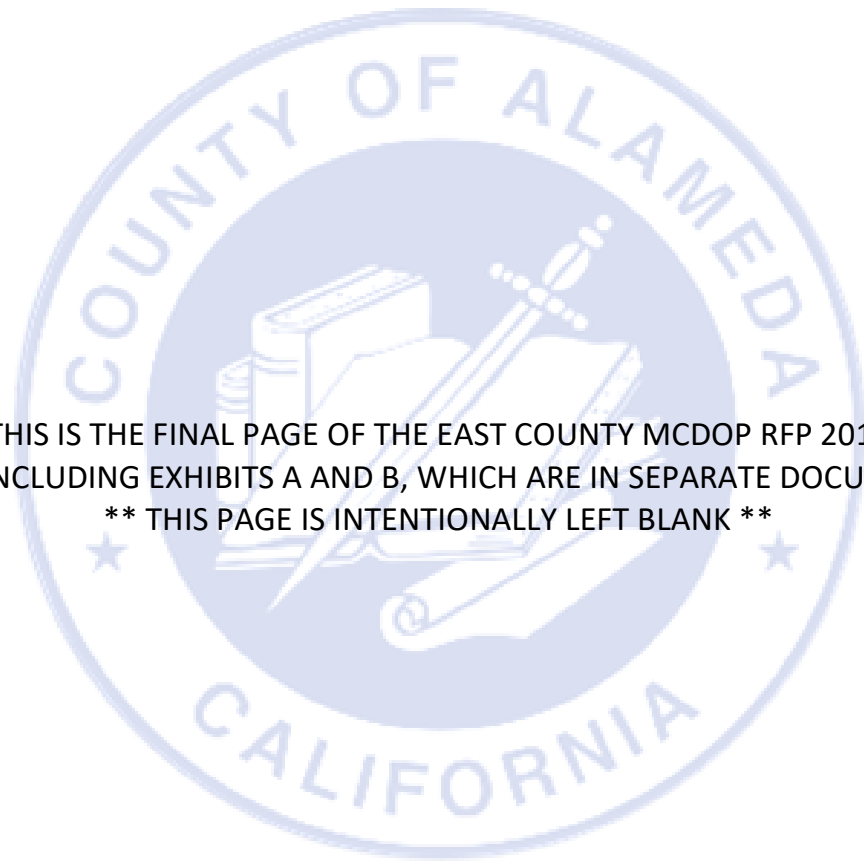
Applicants **must** also submit an electronic copy of their proposal. The electronic copy must be in a single file (PDF with OCR preferred), and shall be an **exact** scanned image of the original hard copy Exhibit A – Application Response Packet, including additional required documentation. The file must be on disk or USB flash drive and enclosed with the sealed original hardcopy of the bid.

4. All costs required for the preparation and submission of an Application shall be borne by the Applicant.
5. All other information regarding the Application responses will be held as confidential until such time as the County Selection Committee has completed its evaluation and Permit(s) have been granted by the County.
6. Each Application received, with the name of the Applicant, shall be entered on a record, and each record with the successful Application indicated thereon shall, after the grant of the Permit, be open to public inspection.

C. RESPONSE FORMAT

1. Application responses are to be straightforward, clear, concise and specific to the information requested.
2. In order for Application to be considered complete, the Applicant must provide responses to all information requested. See Exhibit A – Application Response Packet.
3. Application responses, in whole or in part, are NOT to be marked confidential or proprietary. The County may refuse to consider any Application response or part thereof so marked. Application responses submitted in response to this RFP may be subject to public disclosure. The County shall not be liable in any way for disclosure of any such records.





THIS IS THE FINAL PAGE OF THE EAST COUNTY MCDOP RFP 2017
(NOT INCLUDING EXHIBITS A AND B, WHICH ARE IN SEPARATE DOCUMENTS)
** THIS PAGE IS INTENTIONALLY LEFT BLANK **