



Georgia Access to Medical Cannabis Commission

Christopher Edwards, MD, Chair

Danielle Benson, Vice Chair

Jason Hockenberry, PhD

Judith Rochon, MD

William Bornstein, MD

William Prather, R.Ph

Bob Starrett, Chief

APPLICATION INSTRUCTIONS FOR CLASS 2 LOW-THC OIL PRODUCTION LICENSE

www.gmcc.ga.gov

NOTE TO APPLICANTS: Application Fees are Non-Refundable and Non-Transferable

The schedule of events set out herein represents the Commission's best estimate of the schedule that will be followed. However, delays to the procurement process may occur which may necessitate adjustments to the proposed schedule. If a component of this schedule, such as the close date, is delayed, the rest of the schedule may be shifted as appropriate. Any changes to the dates up to the closing date of the application will be publicly posted prior to the closing date of this application. After the close of the application, the Commission reserves the right to adjust the remainder of the proposed dates, including the dates for evaluation, negotiations, award and the contract term on an as needed basis with or without notice.

SCHEDULE of EVENTS	PROPOSED DATES
Publicly announce the release of competitive applications	No later than November 25 th , 2020
Deadline for questions from applicants	No later than December 7 th , 2020
Provide responses to questions (posted publicly)	No later than December 14 th , 2020
Submission of Specifications Protest / Pre -Award Protest (if applicable)	December 23 rd , 2020
Application deadline	December 28th, 2020 (2:00 p.m. ET)
Notice of Intent to Award - Provide a ten (10) day public notice of the Commission's selections	No later than March 30th, 2021
Notice of Award	No later than April 9 th , 2021

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1. General:

The Georgia General Assembly passed House Bill 324 (2019) titled "**Georgia's Hope Act**" (the "Hope Act"), which authorizes the Georgia Access to Medical Cannabis Commission ("GMCC" or the "Commission") to oversee the regulated licensing of limited, in-state production, growing, manufacturing, and sale of low-THC oil as well as dispensing to registered patients on the state's Low-THC Oil Registry.

Pursuant to O.C.G.A. § 16-12-210, GMCC maintains the following powers, duties, and responsibilities:

- Issue licenses related to the production, growing, and manufacturing of low THC oil;
- Establish procedures for granting licenses, testing products, and inspecting facilities;
- Establish applications and forms necessary to carry out the provisions of Part 2 of the Hope Act;
- Establish criteria for applicants and licensees as necessary to ensure market stability and adequate supply;
- Provide for the selection, implementation, and oversight of tracking system;
- Promulgate rules and regulations and adopt policies and procedures necessary to carry out the provisions of Part 2 of the Hope Act.

This Competitive Application Request for Proposals is for consideration of a Class 2 Production License under O.C.G.A. § 16-12-212. Pursuant to O.C.G.A. § 16-12-212 (b), a Class 2 production license shall be issued to applicants selected by GMCC following a competitive application and review process in accordance with the requirements set forth in the statute. An applicant for a Class 2 production license shall submit an application on a form established by GMCC together with information specified in O.C.G.A. § 16-12-212(b), along with a nonrefundable application fee in the amount of \$5,000.000 as further described in these guidelines.

2. Georgia Department of Administrative Services:

GMCC has engaged the Georgia Department of Administrative Services ("DOAS") to provide technical assistance to support this competitive application process as provided under O.C.G.A. § 16-12-221(a): "The Commission shall grant licenses under this part pursuant to contracts awarded through competitive sealed bids or competitive sealed proposals as provided for in Article 3 of Chapter 5 of Title 50."

DOAS has acknowledged that the statutory framework set forth in the Hope Act provides considerable authority to GMCC to conduct the competitive application process, as specified in Section 1 above. Due to the authority provided under statute to GMCC regarding the application process and the issuance of licenses, the process to award contracts pursuant to which licenses will be granted by the GMCC will not reflect typical state procurement practices. To the extent that any terms, conditions, instruction processes, procedures, or other actions or requirements employed in this Competitive Application Request for Proposals, at any stage of the process, is inconsistent with or conflicts with the Georgia Procurement Manual (GPM), such deviations have been approved in accordance with Section I.2.7 of the Georgia Procurement Manual.

Furthermore, as O.C.G.A. § 16-12-210 and O.C.G.A. § 16-12-212 contemplate that Class 2 production licenses shall be issued to applicants selected by GMCC, GMCC will administer the Competitive

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Application Request for Proposals and related contracting activities in an independent manner, utilizing the submission procedures and evaluation process set forth herein. GMCC's statute provides that all working papers, recorded information, documents, and copies produced by, obtained by, or disclosed to GMCC pursuant to the activities shall be confidential data, and the records release requirements of O.C.G.A. § 50-5-67 are not applicable.

3. General Information and Instructions

The award of contracts and licenses shall be made pursuant to a competitive application request for proposal as further described in this document. GMCC has determined that the use of competitive sealed bidding is neither justified nor advantageous to the State, so a competitive sealed proposal process is justified. The information requested in the Competitive Application Request for Proposals, including any amendments thereto, will be used to determine the best approach to the project.

GMCC will grant licenses through competitive sealed proposals as follows:

- a. This Competitive Application Request for Proposals is publicly advertised on the Georgia Procurement Registry;
- b. The GMCC shall not access the applications until after the closing date and time for the Competitive Application Request for Proposals;
- c. Applications will be evaluated based on the criteria set forth in this Competitive Application Request for Proposals;
- d. The GMCC shall award a contract for licensure to the four applicants based on a combination of technical factors, as GMCC has determined that it is not feasible to consider cost in this process;
- e. The Notice of Intent to Award and Notice of Award will be posted to the Georgia Procurement Registry.

4. Restrictions on Communicating with Staff

From the issue date of this Competitive Application Request for Proposals until the Notice of Award is posted (or the Competitive Application Request for Proposals is officially cancelled), applicants are not allowed to communicate for any reason with any State staff or GMCC Members except through the Executive Director of the GMCC or as provided by existing work agreement(s). Prohibited communication includes all contact or interaction, including but not limited to, telephonic communications, emails, faxes, letters, or personal meetings, such as lunch, entertainment, or otherwise. GMCC reserves the right to reject the response of any applicant violating this provision.

5. Submitting Questions

All questions concerning this Competitive Application Request for Proposals must be submitted in writing via email to Class2@gmcc.ga.gov. A "Frequently Asked Questions" (FAQ) document has been posted as an attachment to this Competitive Application Request for Proposals. Applicants should closely review the FAQ before submitting a question to ensure that the question has not already been answered. No questions other than written will be accepted. No response other than written will be binding upon the State. All questions should be submitted by the deadline identified in the Schedule of Events for submitting questions. Applicants are cautioned that GMCC may or may not elect to entertain late questions or questions submitted by any other method than as directed by this section.

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All questions about this Competitive Application Request for Proposals should be submitted in the following format:

Company Name

Question #1 Question, *Citation of relevant section of the Competitive Application Request for Proposals*

Question #2 Question, *Citation of relevant section of the Competitive Application Request for Proposals*

6. Failing to Comply with Submission Instructions:

Responses/submissions received after the identified due date and time or submitted by any other means than those expressly permitted by the Competitive Application Request for Proposals will not be considered. Applicants' responses must be complete in all respects, as required in each section of the Competitive Application Request for Proposals.

7. State's Right to Amend and/or Cancel the Competitive Application Request for Proposals.

GMCC reserves the right to amend the Competitive Application Request for Proposals at any time. By submitting an application, the applicant shall be deemed to have accepted all terms and agreed to all requirements of the Competitive Application Request for Proposals (including any revisions/additions made in writing prior to the close of the Competitive Application Request for Proposals whether or not such revision occurred prior to the time the applicant submitted its response) unless expressly stated otherwise in the applicant's response. THEREFORE, EACH APPLICANT IS INDIVIDUALLY RESPONSIBLE FOR REVIEWING THE REVISED COMPETITIVE APPLICATION REQUEST FOR PROPOSALS AND MAKING ANY NECESSARY OR APPROPRIATE CHANGES AND/OR ADDITIONS TO THE APPLICANT'S APPLICATION SUBMISSION PRIOR TO THE CLOSE OF THE COMPETITIVE APPLICATION REQUEST FOR PROPOSALS. Applicants are encouraged to frequently check for additional information. Finally, the State reserves the right to cancel the Competitive Application Request for Proposals at any time.

8. Confidential Information:

As provided in O.C.G.A. § 16-12-220(a):

- All working papers, recorded information, documents, and copies produced by, obtained by, or disclosed to GMCC pursuant to the activities conducted pursuant to this part, other than information published in an official commission report regarding the activities conducted pursuant to this article, shall be confidential data and shall not be subject to Article 4 of Chapter 18 of Title 50; provided, however, that any contract, memorandum of understanding, or cooperative endeavor agreement entered into by GMCC pursuant to this article shall be subject to Article 4 of Chapter 18 of Title 50.

GMCC does not intend to release any information submitted by applicants in response to the Competitive Application Request for Proposals other than:

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- Upon issuance of a Notice of Intent to Award, the name of each applicant, whether the applicant will receive a contract award, and if the applicant will not receive a contract award, the reason that the applicant is not eligible for contract award (i.e. not highest scoring, nonresponsive, nonresponsible, or other reason).

- A copy of the applicant-signed contract document shall be released with the Notice of Intent to Award and shall be redacted in accordance with Article 4 of Chapter 18 of Title 50 of the Official Code of Georgia.

9. Responsiveness and Responsibility Determination:

- a. Responsiveness.** Responsive means the applicant, whether a company or an individual, has submitted a timely offer which materially conforms to the requirements of the Competitive Application Request for Proposals. GMCC reserves the right to reject any or all responses to the Competitive Application Request for Proposals. GMCC maintains discretion to provide an applicant with an opportunity to cure any deficiency resulting from any informality or irregularity in an Application, including any informality or irregularity that could lead to a nonresponsive determination, or waive any such deficiency when it is in the best interests of the State. It is also within the right of GMCC to reject responses that do not conform to the requirements of this Competitive Application Request for Proposals or that do not contain all elements and information requested in this Competitive Application Request for Proposals. **PLEASE NOTE THAT THIS PROCESS IS DISCRETIONARY AND GMCC MAINTAINS AUTHORITY REGARDING WHETHER AND THE DEGREE TO WHICH THIS PROCESS WILL BE USED; THEREFORE, GMCC URGES APPLICANTS TO (1) SUBMIT THEIR BEST RESPONSES AND (2) NOT TO ASSUME THE APPLICANT WILL BE GRANTED AN OPPORTUNITY TO CURE OR THAT SUCH IRREGULARITY WILL OTHERWISE BE WAIVED.**
- b. Responsibility:** Responsible means the applicant, whether a company or an individual, has appropriate legal authority to do business in the state of Georgia, a satisfactory record of integrity, appropriate financial, organizational and operational capacity and controls, and acceptable performance on previous governmental and/or private contracts, if any. An applicant must be considered responsible in order to be eligible for contract and license award.
- Examples of non-responsibility include, but are not limited to: an applicant’s history of nonperformance or performance problems on other contracts (public or private); a record of financial difficulty, business instability, criminal sanctions, civil sanctions, or tax delinquency; or being debarred, suspended, proposed for disbarment, or declared ineligible or voluntarily excluded by any governmental entity (federal, state or local). An applicant’s unreasonable failure to promptly supply information in connection with an inquiry with respect to responsibility may be grounds for a determination of non-responsibility. Non-responsibility will be determined by GMCC on a case-by-case basis taking into consideration the unique circumstances of the individual procurement. A non-responsibility determination must be put in writing and maintained as part of the application file.
 - **State’s Right to Request Additional Information – Applicant’s Responsibility:** Prior to contract award, GMCC must be assured that the selected applicant has all of the resources to successfully perform under the contract. This includes, but is not limited to, adequate

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number of personnel with required skills, availability of appropriate equipment in sufficient quantity to meet the on-going needs of the State, financial resources sufficient to complete performance under the contract, and experience in similar endeavors. If, during the evaluation process, GMCC is unable to assure itself of the applicant's ability to perform if awarded, GMCC has the option of requesting from the applicant any information deemed necessary to determine the applicant's responsibility. If such information is required, the applicant will be so notified and will be permitted a sufficient number of business days to submit the information requested.

10. Submittal Instructions

Listed below are key action items related to this Competitive Application Request for Proposals. The Schedule of Events identifies the dates and time for these key action items. This portion of the Competitive Application Request for Proposals provides instructions regarding the process for reviewing the Competitive Application Request for Proposals, preparing an application and submitting an application.

a. Competitive Applications Request for Proposals Review

The Competitive Application Request for Proposals consists of the following:

1. This document, entitled "Application Instructions" and
2. Any and all documents provided as attachments to the Competitive Application Request for Proposals or links contained within the application or its attached documents.

Please carefully review all information contained herein, including all documents available as attachments or available through links. Any difficulty accessing the application or opening provided links or documents should be reported immediately to GMCC at Class2@gmcc.ga.gov.

b. Preparing a Response

When preparing a response, the applicant must consider the following instructions:

1. Answer each question in sufficient detail for evaluation while using judgment with regards to the length of response.
2. Proofread your response and make sure it is accurate and readily understandable.
3. To allow the Commission to easily organize and navigate the applicant's response, label any and all files using the corresponding naming convention of the Competitive Application Request for Proposals as follows:

Company Name – Complete Application(unredacted)
Company Name – Redacted Application (redacted in accordance with Article 4 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated)
Company Name – Class 2 Mandatory Application Requirements
Company Name – Class 2 Schedule A (OWNERSHIP PROFILE)
Company Name – Class 2 Schedule B (FACILITY INFORMATION)
Company Name – Class 2 Schedule C (FINANCIAL INFORMATION)

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Company Name – Class 2 Schedule D (OWNERSHIP STRUCTURE)

Company Name – Class 2 Schedule E (EMPLOYMENT PLAN)

Company Name – Class 2 Schedule F (LOCAL GOVT SUPPORT AND INVOLVEMENT)

Company Name – Class 2 Schedule G (PRODUCTION PLAN)

Company Name – Class 2 Schedule H (SEED TO SALE TRACKING PLAN)

Company Name – Class 2 Schedule I (BUSINESS OPERATIONS AND SECURITY PLAN)

c. Packaging the Response

The applicant must submit proposals on a USB thumb drive with the application fee payment in a 9 X 12 or larger envelope. Only include one proposal per package. Do not staple or fold cashier's check or money orders. Make cashier's check or money order payable to Georgia Access to Medical Cannabis Commission.

In the "For/Reference" line on the cashier's check or money order, indicate the License Class (e.g., Class 1, Class 2) of the application to be applied to the payment. Using a delivery method (US Postal Service mail or private courier, UPS, FedEx, etc.) that utilizes delivery confirmation tracking is **STRONGLY ENCOURAGED**. Signature confirmation is not required. Applicants should maintain a copy of the proposal for its records.

d. Electronic Copies

1. Use caution in creating electronic files. If the GMCC is unable to open an electronic file due to a virus or because the file has become corrupted, the applicant's response may be considered incomplete and disqualified from further consideration.
2. Use commonly accepted software programs to create electronic files. The GMCC preferred file format is Adobe or Adobe-compatible Portable Document File (PDF). GMCC also has the capability of viewing documents submitted in the following format: Google Docs, Google Sheets, Microsoft Word or WordPad, Microsoft Excel, and plain text files with the file extension noted in parentheses (.txt). Unless the Competitive Application Request for Proposals specifically requests the use of another type of software or file format than those listed above, please contact the Executive Director of GMCC prior to utilizing another type of software and/or file format. In the event the GMCC is unable to open an electronic file because the GMCC does not have ready access to the software utilized by the applicant, the Application may be considered incomplete and disqualified from further consideration.

e. Submitting the Response.

Mark the outside of shipping package as follows:

Name of Company
Point of Contact for Company and Phone Number
GMCC Competitive Application Request for Proposals Class 2

The complete Application must be received on or before the due date and time at the following location:

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Georgia Access to Medical Cannabis Commission
C/O Georgia Secretary of State- Accounts Receivable
2 MLK, Suite 820W, Atlanta, GA 30334

f. Applicants are responsible in all respects for timely submission/delivery of the application. applicants are cautioned not to wait until the final hours prior to close of the Competitive Application Request for Proposals to submit the Application. Applicants are encouraged to utilize a delivery method (US Postal Service mail or private courier, UPS, FedEx, etc.) that utilizes delivery confirmation tracking is STRONGLY ENCOURAGED. Signature confirmation is not required. Applicants should maintain a copy of the proposal for its records. All Applications will be time stamped by the GMCC upon receipt. Applications received after the due date and time will not be evaluated.

11. Evaluation:

All timely applications will be evaluated in accordance with the following steps. The objective of the evaluation process is to identify the applications which will best meet or exceed the requirements and carry out the purposes of the Hope Act based on a combination of technical factors.

a. Administrative/Preliminary Review:

First, the applications will be reviewed to determine compliance with the following requirements:

1. Proposal was submitted by deadline.
2. Proposal is complete and contains all required documents.

b. Evaluating Proposal Factors

If the applicant's proposal passes the Administrative/Preliminary Review, the applicant's responses will be submitted to the Evaluation Team for evaluation.

c. Review of Mandatory and Mandatory Scored Questions

The Evaluation Team will review each applicant's response in detail to determine its compliance with mandatory application requirements. Responses to both "Mandatory" and "Mandatory Scored" Questions will be evaluated on a pass/fail basis. All responses which meet the requirements of the "Mandatory" and "Mandatory Scored" Questions are considered "Responsive Application" at this point in time and will be scored in accordance with the point allocation as described below as "Scoring Criteria."

d. Scoring Criteria

The evaluation is comprised of the following:

Category	Criteria	Points
Application Requirements	"Mandatory" Requirements	Pass/Fail

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Technical/Proposal Factors	<p>“Mandatory Scored” requirements:</p> <ul style="list-style-type: none"> ● Schedule A -Ownership Profile ● Schedule B – Facility Information ● Schedule C – Financial Information ● Schedule D – Ownership Structure ● Schedule E – Employment Plan ● Schedule F – Local Government Support ● Schedule G – Production Plan ● Schedule H – Seed to Sale Tracking Plan ● Schedule I – Business Operations and Security Plan 	Not disclosed
	Total	1000 points

In the case where there are more applications than licenses available, GMCC will use an evaluation committee to apply a rating that will compile the score and rank applications based on specific categories. The maximum amount of licenses awarded will be six (6) , including two (2) Class 1 and four (4) Class 2 licenses, to avoid an oversupply or undersupply of product, while still maintaining a healthy diversity of a company’s capability for purposes of competition of product quality and pricing. **GMCC will not issue more than one (1) license per applicant** per O.C.G.A. §16-12-212 (f)(1).

With the competitive licensing process, medical cannabis businesses submit applications (with application fees) that are rated based on quality in a variety of areas such as proof of capitalization, inventory control plan, operations plan, detailed policies and procedures, security plan, criminal record, and local support.

Every application is rated using the same criteria, and applicants with the highest scores, within a competitive range, will be considered for further evaluation. The rating system to be applied, is as follows:

No Response (Only Applies to Mandatory) · The narrative response provided constitutes a material deviation from the requirement = Fail or Disqualified
Poor · Fails to address the component or the applicant does not describe any experience related to the component · Proposal is inadequate in most basic requirements, specifications, or provisions for the specific criteria = 0 of the available points
Marginal · Proposal minimally addresses the requirements, but one or more major considerations of the component are not addressed, or so limited that it results in a low degree of confidence in the bidder’s response or proposed solution. · Proposal meets many of the basic requirements specifications, or provision of the specific items, but is lacking in some essential aspects for the specific criteria = 0.25 of the available points
Adequate · Proposal adequately meets the minimum requirements, specification, or provision of the specific item, and is generally capable of meeting the state's needs for specific criteria = 0.50 of the available points
Good · Proposal more than adequately meets the minimum requirements, specification or provision of the specific criteria, and exceeds those requirements in some aspects for the specific criteria = 0.75 of the available points

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Excellent · Fully meets all requirements and exceeds several requirements · Proposal exceeds minimum requirements, specification and provision in most aspects for the specific criteria = 100 of the available points

12. Discussions and Negotiations:

Discussions may be conducted with qualified applicants who submit applications determined to be reasonably susceptible of being selected for award for the purpose of clarification and improvement and to assure full understanding of and responsiveness to the application requirements. Applicants shall be accorded fair and equal treatment with respect to any opportunity for discussion and clarification of applications. After such clarifications, revisions may be permitted to applications prior to award. **PLEASE NOTE THAT DISCUSSIONS AND CLARIFICATIONS ARE DISCRETIONARY; THEREFORE, GMCC URGES APPLICANTS TO (1) SUBMIT THEIR BEST RESPONSES AND (2) NOT TO ASSUME THE APPLICANT WILL BE GRANTED AN OPPORTUNITY TO NEGOTIATE OR OTHERWISE IMPROVE ITS OFFER.**

- a. **Competitive Range.** If GMCC elects to negotiate, GMCC may either: limit negotiations to those applicants identified within the competitive range or elect to negotiate with up to the top twelve (12) ranking applicants susceptible of award.

The competitive range will not be selected arbitrarily, and those applicants included in the competitive range must have a highly scored application.

In the event GMCC elects to limit negotiations to those applicants identified within the competitive range, GMCC will identify the competitive range by (1) ranking applications from highest to lowest based on each applicants' technical score and then looking for breaks in the scores such that natural groupings of similar scores may be identified. (2) In the event GMCC determines the number of responsive and responsible applicants is so great that the Negotiation Team cannot reasonably conduct negotiations (which determination shall be solely at GMCC's discretion and shall be conclusive), GMCC may elect to limit negotiations up to the top twelve (12) ranked applicants as determined by the highest technical score(s).

In determining whether to grant a license to an applicant among those identified within the competitive range, or with up to twelve (12) ranking applicants susceptible of award, GMCC may also consider if applicants already have existing businesses in Georgia or, if out of state, have established relationships in Georgia. All licensees must operate in Georgia and have provisions for statewide access, in addition to all of the below:

- i. The integrity, moral character, and reputation; personal and business probity; financial ability and experience; and responsibility or means to operate or maintain a medical cannabis business of the applicant and of any other person that meets either of the following:
- Controls, directly or indirectly, the applicant.
 - Is controlled, directly or indirectly, by the applicant or by a person who controls, directly or indirectly, the applicant.

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- ii. Whether the applicant has been served with a complaint or other notice filed with any public body regarding payment of any tax required under federal, state, or local law that has been delinquent for 1 or more years.
- iii. Whether the applicant has a history of noncompliance with any regulatory requirements in this state or any other jurisdiction.

- b. Overview of Negotiations** After the Evaluation Team has scored the applicants' application, GMCC may elect to enter into one or more rounds of negotiations with only those applicants identified by the Evaluation Team as being in the "Competitive Range" or with up to twelve (12) ranking applicants susceptible of award.

After each round of negotiations (if any), the applicant may submit revisions to its proposal, which revisions will be scored by the Evaluation Team in accordance with the same criteria used to evaluate the initial responses from the applicants. Applicants may be removed from further participation in the negotiation process in the event the Evaluation Team determines the applicant cannot be considered responsive and responsible or based on the "Competitive Range."

GMCC reserves the right to proceed to award without further discussions after receipt of the initial application, in which case, negotiations and application revisions will not be required.

- c. Negotiation Instructions** Listed below are the key action items related to negotiations. GMCC's Negotiation Committee may consist of the Evaluation Committee or may be comprised of different people. However, evaluation of an application or revised application shall be completed only by GMCC's Evaluation Committee.

- i. **Negotiation Invitation:** Those applicants identified by the Evaluation Committee to negotiate will be notified and invited to attend negotiations. Applicants will be notified in writing: (i) the general purpose and scope of the negotiations; (ii) the anticipated schedule for the negotiations; and (iii) the procedures to be followed for negotiations.
- ii. **Confirmation of Attendance:** Applicants who have been invited to participate in negotiations must confirm attendance.
- iii. **Negotiations Round(s):** One or more rounds of negotiations may be conducted with those applicants identified by the State's Evaluation Team.

- d. Negotiation Round Completion** As part of each round of negotiation, the Negotiation Team may or may not engage in verbal discussions with the applicants. However, whether or not the Negotiation Team engages in verbal discussions, any revisions the applicant elects to make to its response must be submitted in writing via email by the end date and time identified by GMCC. All revisions received by the due date and time will be evaluated and re-scored by the Evaluation Team in accordance with the same criteria used to evaluate the initial responses from the applicants. Revisions which are not received prior to the due date and time cannot be considered; however, any applicant failing to submit timely revisions will not be disqualified from consideration for award based on its final proposal as accepted by GMCC.

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13. Selection and Award

The primary intent of this application is to identify four (4) sources to provide all of the needed goods and/or services for Class 2 Low THC Oil production; however, GMCC reserves the right to make provisional awards at its discretion.

Award will be made to the four most highly scored applicants at the conclusion of the evaluation process. Ties must be resolved where a tie would otherwise result in the award of more than four sources. For example, if four applicants maintain the same score, and that score is the fourth highest evaluated score, the tie must be resolved, and only one of those applicants may receive an award. In the event of a tie where the result would require award to more than the four sources permitted under law, contracts shall be awarded as follows: The award shall be made to the Applicant that maintains the highest participation by minority-owned and women-owned businesses; if that preference is insufficient to resolve the tie, the award shall be made to the applicant that is a small business as defined in O.C.G.A. § 50-5-121; if that preference is insufficient to resolve the tie, award shall be made by a drawing by lot limited to those tied applicants. If time permits, the applicants involved shall be given an opportunity to attend the drawing. The drawing shall be witnessed by at least three persons.

14. Site Visits and Oral Presentations

GMCC reserves the right to conduct site visits or to invite applicants to present their proposal factors/technical solutions to the Evaluation Team. Nothing in this section shall prohibit the Negotiation Team from discussing proposal factor information during the negotiation process.

15. Public Award Announcement

The results of the evaluation will be announced through the public posting of a Notice of Intent to Award to the Georgia Procurement Registry. The Notice of Intent to Award (“NOIA”) is not notice of an actual contract award; instead, the NOIA is notice of GMCC’s expected contract award(s) pending resolution of the protest process. The NOIA (if any) will identify the apparent successful applicant(s), unsuccessful applicant(s), and the reasons why any unsuccessful applicants were not selected for contract award. **NO APPLICANT SHOULD ASSUME PERSONAL NOTICE OF THE NOTICE OF INTENT TO AWARD (“NOIA”) WILL BE PROVIDED BY GMCC. INSTEAD, ALL APPLICANTS SHOULD FREQUENTLY CHECK THE GEORGIA PROCUREMENT REGISTRY FOR NOTICE OF THE NOIA.**

The Notice of Award (“NOA”) is GMCC’s public notice of actual contract award(s). The NOA will be publicly posted to the Georgia Procurement Registry.

16. Protest Process As DOAS will not have access to the application submissions nor the evaluation documents and DOAS does not maintain the authority to award a license nor to review GMCC’s award of a license, DOAS’s protest process, as provided in the Georgia Procurement Manual will not apply. Applicants should familiarize themselves with the protest procedures for this Competitive Application Request for Proposals which are provided in Attachment D.

17. Contract

As provided under O.C.G.A. § 16-12-221(a), licenses shall be awarded pursuant to contracts. The contract document for Class 2 licensees is attached as Attachment E to this Competitive Application Request for

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Proposals. By submitting an application, applicant acknowledges the contract terms and conditions without change. The State does not anticipate negotiation of the contract terms and conditions. Applicant should submit a signed contract document with its application.

18. General

- a. The cost for developing the response/application and participating in the Competitive Application Request for Proposals process (including the protest/appeal process) is the sole responsibility of the applicant. The State will not provide reimbursement for such costs.
- b. The State of Georgia adheres to the guidelines set forth in the Americans with Disabilities Act. Applicants should contact the Executive Director of GMCC at least one day in advance if they require special arrangements when attending the Bidders/Offerors' Conference (if any). The Georgia Relay Center at 1-800-255-0056 (TDD Only) or 1-800-255-0135 (Voice) will relay messages, in strict confidence, for the speech and hearing impaired.

19. Administrative Requirements

a. Registered Lobbyists

By submitting a response to this application, the applicant hereby certifies that the applicant and its lobbyists comply and will continue to comply with O.C.G.A. § 21-5-71.

b. Reciprocal Preference Law O.C.G.A. § 50-5-60(b)

As provided under O.C.G.A. § 16-12-212 (b), all applicants must be incorporated or organized as a Georgia corporation or entity under the laws of the State of Georgia. Accordingly, the reciprocal preference law shall not apply to this Competitive Application Request for Proposals.

List of Attachments

The following documents make up the Competitive Application Request for Proposals. Please see Section 8, for "Submittal Instructions" about how to access the following documents.

- A. Application Instructions Mandatory Application Requirements – Class 2
- B. Mandatory Application Requirements
- C. Applicant Questionnaire (Schedules A -I)
- D. Protest Procedures
- E. Contract
- F. Frequently Asked Questions