

City of Benton Harbor

Medical Marijuana Request for Qualifications

Darwin Watson
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Request for Qualifications

Introduction

The City of Benton Harbor (“City”) invites interested parties to submit a proposal in response to this Request for Qualifications (“RFQ”). The City is seeking proposals from qualified medical marijuana operators to be considered for facilities license(s) in the City.

The proposal may be for any medical marijuana business currently legal under Michigan state law that includes, but is not limited, to all the following uses of medical or non-medical medical marijuana:

- Grow Facility (A, B, or C)
- Processor
- Provisioning Center
- Safety Compliance Facility
- Secure Transporter

The goal of the RFQ is to elicit medical marijuana business opportunities from business proprietors themselves. This RFQ will allow the City Commission to review the types of businesses interested in working with the City. Interested parties must complete the requirements of this RFQ by clearly articulating how the proposed businesses would operate within the confines of existing state law. This includes securing any applicable state licenses necessary for the operation of any medical marijuana business. Applicants will have to demonstrate how the proposed business intends to mitigate any negative impacts on the City’s community that may arise from a medical marijuana operation.

Qualifications

Any selected parties are expected to have the following qualifications:

- demonstrated knowledge and experience in developing successful businesses;
- expertise in the existing laws and proposed regulations relating to medical marijuana;
- innovative, responsive, competent and practical business acumen; and
- demonstrated ability to operate the proposed medical marijuana business as an integrated part of the community.

Medical Marijuana Background

Below is a brief summary of recent federal and state medical marijuana (recreational and medical) policy.

Federal Law

Under federal law, medical marijuana remains an illegal Schedule I narcotic. Schedule I narcotics are substances with a high potential for abuse that have no accepted medical value and cannot be used safely, even under a doctor’s supervision.

In recent years, the United States Department of Justice has chosen not to prosecute most medical marijuana users and businesses that follow state and local laws. However, this federal policy relating to medical recreational medical marijuana, or both, could change under the current

administration.

Michigan

In November 2008, Michigan voters were presented with a ballot proposal to allow physician-approved use of marijuana for certain medical conditions. It also allowed patients to grow their own medicine, i.e., medical marijuana, and allowed caregivers to grow marijuana in a locked facility. The ballot proposal passed by a large margin, and in this way, Michigan joined the handful of States allowing the licensed use of medical marijuana.

However, a ballot proposal is not a law; therefore, Michigan’s lawmakers wrote and approved the actual series of laws which were enacted beginning in December, 2008. The resulting Act became the Michigan Medical Marihuana Act (“MMMA”) under Michigan Compiled Laws 333.26424.

In September 2016, the Michigan Legislature passed and the governor signed into law three bills that created a licensing and regulatory framework for medical marihuana. This regulatory framework, called the Medical Marijuana Facilities Licensing Act (“MMFLA”), was implemented – and applications were made available – on December 15, 2017.

City of Benton Harbor

In order for cities to have medical marijuana facilities in their community, the MMFLA required that the municipality pass an “opt-in” ordinance by December 31, 2017. The City Commission passed this ordinance on December 18, 2017. Additionally, the City was required to have zoning provisions in place to regulate or allow medical marijuana businesses. The City Commission voted to amend its Zoning Ordinance on May 7, 2018 to allow for facilities in the city.

Submittal Requirements and Evaluation Criteria

Proposals shall address the submittal criteria delineated herein. The City requests that each proposal be clear and concise, as the City does not wish to receive voluminous proposals with extensive background materials. Please only present material that is requested, or in your best judgement, contributes or is relevant to this request. Submittals shall be limited to no more than five (5) pages and shall include a title page and page numbers. Proposals that do not meet the submittal criteria specified herein are subject to disqualification.

- **Introduction** - a brief overview and introduction to the proposed business and owners, the organization structure, and rationale for such business and structure. Please include the requisite state licenses required for operation of the business and a schedule for completing the necessary licensure.
- **Personnel/Project Team** - description and professional resume of key project team members who will be managing the business, any executive team members, advisors or consultants to the executive team, and a statement as to the availability of each person and their respective services. The qualifications should include descriptions of any similar medical marijuana projects, complete with references.
- **Project Plan** - plan providing the scope of the proposed business. Please also include a projected timeline of commencing business, the business's proposed operation and security plan, and any environmental impacts. Describe how the business will contribute to the community and describe any existing ties to the community. Applicants must include a proposal addressing the potential adverse impacts of medical marijuana within the City limits and the applicant's proposal to mitigate any negative effects.
- **Economics** – submit any publicly available financial documentation of the proposed business owners. Please do not submit any confidential information. Also, include a breakdown of the projected income and hiring by the business.
- **Format** – proposals must be organized, labeled or tabbed consistent with these requirements. The submittal must consist of or be formatted to 8 1/2" by 11" paper.

Submittal Deadline

Applicants shall have thirty (30) days from the issuance of this RFQ to submit their proposals and pay the application fee. Sealed envelopes containing ten (10) physical copies and one USB drive containing an electronic version of the RFQ must be received at the office of the City Clerk no later than 5:00 PM on October 1, 2018.

Questions and further information pertinent to the RFQ may be obtained from:

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