

New Jersey Department of Health

Division of Medicinal Marijuana

Request for Applications – Alternative Treatment Centers

Application Instructions:

The application materials submitted by each applicant shall include a full and complete written response to each of the criteria specified in this announcement, as well as completion and submission of all mandatory information.

The application, excluding attachments that cannot be formatted accordingly, shall be typed using 12 point Times Roman font or equivalent, single spaced, with one (1) inch margins, single-sided on letter-sized (8 ½” x 11”) pages.

All costs involved with the preparation and submission of an application shall be the responsibility of the applicant. The Department shall not be responsible for any costs incurred by an applicant in the preparation or submission of an application.

The Permit Application Form for Alternative Treatment Centers created by the Department of Health is in two parts. They are available for download at <http://www.nj.gov/health/medicalmarijuana>

On the application forms and related materials, “ATC Entity” is defined as a business entity that is applying to the Department of Health to be permitted/licensed to do business as an alternative treatment center.

Permit Application Part A contains all the required information about the business entity that is applying for a permit to operate an Alternative Treatment Center (ATC Entity).

Permit Application Part B contains the scored criteria established in the Request for Applications Notice published in the New Jersey Register on July 16.

Both application parts are fillable .PDF forms. They can also be printed and filled manually, though the Department highly encourages electronic submission.

Applicants must download the free program, “Adobe Acrobat Reader,” in order to properly fill out the forms and attach the necessary documents. The program can be downloaded via Adobe’s website.

If submitting electronically, applicants are instructed to fill in the appropriate data on the forms and attach the relevant attachments by using the “Attach” buttons in the forms themselves.

Applicants are highly encouraged to submit attachments as .PDFs, and to try and limit file sizes where possible.

For attachments, please use the suggested naming convention in the provided Application Checklist.

For the **Permit Application Part A**, applicants shall answer each question in full and to the best of their ability. If a particular question does not apply to the applicant, then the applicant shall leave that section blank. Blank responses will be interpreted as “none.”

For the **Permit Application Part B**, applicants must limit total attachments, not including the requested floor plans and interior renderings, to 300 total pages. Any attachment past the 300th page (excluding floor plans and renderings) will not be reviewed.

Additionally, per the instructions in the form, applicants shall summarize/explain the attachments in the text box contained on the form itself in a clear and concise fashion, and within the word limit notated in the application form.

Mandatory Pre-Application Conference:

All applicants or a designee shall be required to attend the mandatory pre-application conference on August 9, 2018.

The purpose of the mandatory pre-application conference is to provide a structured and formal opportunity for the Department to respond to questions from potential applicants regarding this Request for Applications. Any entity interested in submitting an application in response to the RFA is required to attend.

The Department will electronically accept questions and inquiries until 4:00 PM on Tuesday, August 7 from all potential applicants via email at mmpquestions@doh.nj.gov with “RFA Question” in the subject line.

Attendance at the mandatory pre-application conference will be limited to four (4) attendees per applicant. An attendee may represent only one (1) potential applicant.

Questions and responses will be posted on the Department’s Medicinal Marijuana website at <http://www.nj.gov/health/medicalmarijuana>

The conference is being held from 10:00 AM to 12:00 PM at:

George Washington Ballroom
The War Memorial
1 Memorial Dr
Trenton, NJ 08608

Scoring:

Once received, the applications will be reviewed for completeness and then scored by a selection committee.

In the determination of whether an applicant passes or fails a particular requirement in the mandatory section, the Department, per N.J.A.C. 8:64-7.2, shall conduct a preliminary background investigation and review the information for completeness and truthfulness. Applicants may be disqualified for the submission of incomplete or false information. Additionally, applicants may be disqualified for concerns related to past criminal activity or if

there are significant concerns raised as to their ability to comply with N.J.A.C. 8:64 based on the preliminary background investigation.

If the application is found complete, then the application will be reviewed and scored by the selection committee. Each individual member will score each criterion and measure based on the information provided. The scores will then be averaged (mean) to provide each applicant with a composite score. Based on that composite score, the selection committee will determine which applicants are chosen to proceed in the permitting process.

If two or more applicants are tied, the tie-breaker shall be determined in the following manner:

- 1) If one applicant has already established site control through lease or ownership, and the other(s) have not, then the award shall go to the applicant that has site control.
- 2) If site control does not break the tie, then the selection committee shall give the award to the applicant with proposed location(s) that most clearly expands access to current qualified patients. In making that determination, the selection committee shall evaluate current enrollment data and the placement of the proposed ATC in relation to other ATCs.

Submission:

On August 9, 2018, at the mandatory pre-application conference, the Department shall release instructions for submitting applications electronically. The Department strongly encourages applicants to submit their applications in this manner.

If submitting electronically, it is only necessary to provide the Department with one printed copy to the address below that includes all the necessary signatures, affidavits, waivers, and releases.

If submitting manually, applicants shall file ten printed copies of the full application and all related materials, including one printed copy that includes all the necessary signatures, affidavits, waivers, and releases.

All hard copy applications shall be submitted to the New Jersey Department of Health at the following address:

Division of Medicinal Marijuana
NJ Department of Health
PO Box 360
Trenton, NJ 08625-0360

All applications must be received, including any hard copies, by August 31, 2018 at 5 PM EST.

Public Disclosure:

Applications submitted in response to this Request for Applications are generally subject to public release pursuant to the New Jersey Open Public Records Act (OPRA), N.J.S.A. 47:1A-1.1 et seq., and/or the common law. However, proprietary and other types of information contained in the applications may be exempt from public disclosure. See, e.g., N.J.S.A. 47:1A-1.1 ("A

government record shall not include the following information which is deemed to be confidential . . . trade secrets and proprietary commercial or financial information obtained from any source . . . [or] information which, if disclosed, would give an advantage to competitors or bidders").

The Department will not honor any attempt by an applicant to designate its entire application as exempt from disclosure but, as an addendum to its application, an applicant may designate specific information that it asserts is exempt from public disclosure under OPRA and/or the common law. If the applicant deems certain information to be confidential and the Department withholds the information as a result, then the applicant may be required to intervene as a necessary party in any challenge raised by a requestor due to the denial of access and defend its reason for why the information is not subject to public disclosure. Because the applicant will have to defend any redaction requested, applicants should carefully consider objections and supply the rationale upon which they assert that the Department should withhold certain information. See, e.g., Communications Workers of America v. Rousseau, 417 N.J. Super. 341, 348 (App. Div. 2010).

Applications will not be released to the public until all awards have been made to the successful applicants.