



ADDENDUM NO.: 8

IFB or RFP NO.: 728

Description: Provide Point-of-Sale Software associated hardware and implementation services for retail cannabis dispensaries across NYS

Project: DASNY OCM

Bid Opening Date: November 4, 2022, at 2:30PM

Specifics of the Addendum: Extension of the Bid Opening Date and additional requirements added to the Detailed Specifications in the Notice and Information for Bidders.

Notice and Information for Bidders is amended as follows:

Key Dates:

Bid Opening	November 4, 2022
Bid Award	December 2, 2022

The language listed below has been added to the Detailed Specifications Section 1.6 Compliance.

- Bidders will be required to be in compliance with the provisions of the Cannabis law and Office of Cannabis Management (“OCM”) rules, regulations, and guidance, which includes compliance with OCM’s two-tier cannabis market structure and True Parties of Interest (“TPI”) rules. Please see Attachment A/OCM instructions.

Sealed bids for the above referenced Bid will be received by DASNY at its office located at 515 Broadway, Albany, NY 12207. Bids are due by 2:30 p.m. on November 4, 2022. Only those bids received by DASNY on or prior to the Bid Opening Date will be considered.

NOTICE AND INFORMATION FOR BIDDERS

BID BREAKDOWN & SCHEDULE

Bidder: _____

DASNY Designated Procurement Contact: Kristen Costello, Manager Purchasing (kcostell@dasny.org)

Description: Provide Point-of-Sale Software associated hardware and implementation services

Bid Open Date and Time: November 4, 2022, at 2:30 p.m.

Location: DASNY, 515 Broadway, Albany, NY 12207

Provide pricing below for a quantity of one (1) complete Point of Sale System. Purchase Orders for Point of Sale Systems are anticipated to be issued for an estimated one hundred (100) to one hundred fifty (150) Point of Sale Systems for a license term of twenty four (24) months with the option to extend to forty eight (48) months.

Item No.	Description	QTY	UOM	Price
1	POS Software– 24 month subscription *	1	EA (month)	\$
2	Hardware Kit**	1	EA	\$
3	Implementation (One Time Fee)	n/a	LS	\$
4	Training: One (1) full days live session	1	EA	\$
5	MISCELLANEOUS****	n/a	LS	\$

*Bidder should pricing for one (1) month of a 24-month term subscription. E-commerce should be included as part of the POS Software subscription pricing and should not be a per transaction fee added to the monthly cost. Bidder should attach a cost breakdown detailing all costs associated with the monthly POS Software subscription fee including a flat fee for the e-commerce platform.

**Attach a detailed list including description/make/model/quantities of all hardware included in the hardware kit associated with the proposed Point of Sale System.

***Each Dispensary Licensee may require up to five full days live training sessions. Provide pricing for a qty of (1) full day training session. The number of training sessions required will vary per dispensary.

****Attach a detailed and itemized list including costs of any miscellaneous items associated with the Point-of-Sale System.

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TOTAL BID _____

(The below questions 1) and 2) need only be answered if the above total bid is for one million dollars or more)

1. Does your firm anticipate the use of subcontractors and outside suppliers specific to this procurement?
Yes ☐ No ☐
2. Does your firm anticipate the creation of employment opportunities arising from this procurement?
Yes ☐ No ☐

(The below information must be completed for all bids.)

Identify all subcontractors, if any: _____

STATE, PROVINCE FOR FOREIGN COUNTRY
THAT YOUR FIRM'S PRINCIPAL PLACE OF
BUSINESS IS LOCATED:

BIDDER (FIRM NAME)

ADDRESS OF FACTORY OR PLANT WHERE
ITEMS ARE MANUFACTURED AND/OR
ASSEMBLED. *(Attach additional sheet(s) if more
than one manufacturer)*

SIGNATURE

NAME (TYPE/PRINTED)

TITLE

Date

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SCOPE OF WORK

Introduction to the Office of Cannabis Management

On March 31, 2021, New York State legalized adult-use cannabis (also known as marijuana, or recreational marijuana) by passing the Marihuana Regulation & Taxation Act (MRTA). This law sets out a framework for the comprehensive regulation of legal, adult use recreational cannabis in New York State in a manner that will protect public health and safety, while promoting social equity and economic development. The MRTA also created the Cannabis Control Board (CCB) and the Office of Cannabis Management (OCM) to oversee and implement the MRTA. The CCB is authorized to issue licenses and develop regulations for the cultivation, processing, manufacture, distribution, transportation, and sale of medical cannabis, adult-use or “retail” cannabis and cannabinoid hemp in New York State. The CCB, in conjunction with OCM staff, also oversees the State’s existing Medical Marijuana Program and Cannabinoid Hemp Program, previously regulated by the Department of Health and licenses cultivators, processors, distributors, and dispensaries to grow and sell cannabis in New York. The CCB and OCM will license cultivators, processors, distributors, and dispensaries to grow and sell cannabis in New York. Additionally, the CCB and OCM has been granted the authority to create and regulate a social equity program (“Social Equity Fund Program”) to provide persons harmed by the disproportionate enforcement of the cannabis laws with licenses for the legal sale of cannabis through conditional adult use retail cannabis dispensaries in New York State (“Dispensaries”). Persons selected by the OCM and CCB to receive licenses under the Social Equity Fund Program (“Social Equity Licensees”) will be eligible for funding of their Dispensaries by a private fund, the New York Social Equity Cannabis Investment Fund, LP, (“the “Fund”) to be formed by a private fund sponsor selected by DASNY for the purpose of undertaking the initial build-out of the Dispensaries for operation by the Social Equity Licensees.

Introduction to New York Social Equity Cannabis Investment Fund, LP

Under the Social Equity Fund program, the Fund is charged, among other things, with: (i) identifying sites throughout the State that will be selected by OCM and leased by the Fund to use as Dispensaries; and (ii) undertaking the design, construction and fit out of these leased premises so they satisfy the applicable OCM requirements for Dispensaries (each a “Project” and collectively the “Projects”). The Fund will then sublease these sites to Social Equity Licensees who will be responsible for their operation. The Fund is authorized to be established pursuant to Part II of Part HH of Chapter 52 of the Laws of 2022 (the “Act”). The Fund is authorized to accept investments of up to \$200 million for purposes of funding the Projects. A portion of this investment (up to \$50 million) will be invested by the Dormitory Authority of the State of New York (the “Authority”) or a subsidiary thereof in its capacity as a limited partner (the “Public Investment”). To undertake the Projects authorized by the Act, the Fund retained is expected retain design-build firms to undertake the buildout of the Dispensaries across the State. Upon completion of the build out of dispensaries, Purchase Orders will be issued for the Dispensary’s Point-of-Sale System which will include the first 24 months of the software subscription, all associated hardware, implementation services and training

Introduction to Dormitory Authority of the State of New York

The Authority is a public benefit corporation of the State of New York empowered by Titles 4 and 4-B of the Public Authorities Law (the “Act”), to provide design and project management services, and to issue bonds, notes and other obligations, for a wide variety of public purposes. Under the Act, the Authority provides a multitude of services in various forms in connection with the design, construction and financing of capital

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facilities for State University of New York, including dormitories and educational facilities; City University of New York Senior Colleges; Community Colleges; Boards of Cooperative Educational Services; cities and counties with respect to court facilities and combined occupancy structures, as defined by law; the Department of Education of the State of New York with respect to certain facilities under its jurisdiction; other State and local governmental entities; independent colleges and universities; facilities for the aged; certain not-for-profit hospitals and nursing homes, as well as a wide variety of other not-for-profit organizations specifically described in the Act. Pursuant to PAL § 1676(2)(b) and PAL §1680(1), the Authority and any subsidiary thereof was granted the requisite authority to provide, as agent, construction and other services to OCM and the Fund. All references herein to “DASNY” should mean, as appropriate and as the context requires, the Authority or any subsidiary thereof.

DASNY as Agent for the Fund

DASNY, as agent for the Fund, is undertaking to prepare or cause to be prepared plans and cost estimates for the construction or reconstruction of Dispensaries for use by Social Equity Licensees and, in its capacity as agent for the Fund, to negotiate and Agent, to recommend to the Fund, once formed, the procurement of consultants, vendors and contractors necessary for the creation of a turnkey operation of such Dispensaries. It is expected that the Fund and DASNY will enter into a construction manager advisor agreement (the “Construction Manager Advisor Agreement”) that would obligate DASNY, in its capacity as construction manager advisor, to assist the Fund in awarding Purchase Orders for an estimated one hundred to one hundred fifty Point of Sale Systems for the Dispensaries across New York State to the lowest bidding qualified Provider. Prospective Providers should be aware that to the extent DASNY issues Purchase Orders to the awarded entity, it will only be in its capacity as an agent for the Fund. Moreover, all references to DASNY in this IFB refer to DASNY acting in its capacity as construction fund advisor and agent to the Fund and the Fund will be legally responsible for all determinations made by DASNY in that capacity.

Purpose and Scope of Work

DASNY, as agent for the Fund, invites Cannabis Point of Sale System Providers to submit Bids to provide a complete Point-of-Sale System per the requirements provided in Attachment C: Detailed Specifications. The Point-of-Sale System Provider will provide a system inclusive of software and hardware for the adult use retail cannabis dispensary facilities (“RCDs”) to be operated by Social Equity Licensees. The Point-of-Sale System Provider will also be responsible for implementation and training followed by system support on an as-needed basis. Pricing should be provided in the Bid Breakdown and Schedule for one complete Point of Sale System. Purchase Orders will be issued per the pricing provided in the Bid Breakdown & Schedule. Pricing should reflect cost for twenty-four (24) months with the option to extend to forty-eight (48) months. Purchase Orders for Point-of-Sale Systems will be issued per dispensary as they are built out. The license holder may be DASNY, as agent, the Fund, or the dispensary operator. Please advise if pricing will differ and if so, identify.

Key Dates

Invitation for Bid Issued (DASNY Bid #728)	August 9, 2022
Intent to Bid Due	August 29, 2022
Request for Information Due	August 30, 2022
DASNY Issues Response to Request for Information	September 6, 2022
Bid Opening/Bid Responses Due	November 4, 2022
Anticipated Bid Award Date	December 2, 2022

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DETAILED SPECIFICATIONS

The proposed Software Point-of-Sale System for Retail Cannabis Dispensaries should meet the following requirements:

1. SOFTWARE REQUIREMENTS

1.1 System Requirements

- User roles-based access control (RBAC) features.
- A strong password policy that includes a combination of letters, numbers and symbols (@, #, \$, %, etc.) if allowed.
- Maintains detailed activity logs to keep an audit trail of changes to the data.
- Web application is compatible with current versions of Google Chrome, Microsoft Edge, Mozilla Firefox, Safari, and mobile devices.
- Redundancy should be provided to minimize planned and unplanned downtime.
- Controls need to be in place for business continuity and data loss prevention.
- A Sandbox environment for training and implementation, if applicable.

1.2 Transactions Module

The Transactions Module should provide access for a dispensary employee to manage and track all orders including:

- The ability to scan customer ID right from the POS to verify age and add customers to the queue.
- Check-in features to capture and track the customer.
- Digital payments, Cashless ATM's or any other application the customer can use to minimize the use of cash transactions.
- An e-commerce platform which includes online menu and ordering platform that offers a built-in product library for easy creation and management of pickup and delivery (via a courier) orders available at the request of the Licensee.
- E-commerce, Cashless ATM's or other applications that shall fully integrate with the Point of Sale System or Licensee's website.

1.3 Dashboard / Reporting Module

The Analytics / Reporting Module should allow the system administrator (Licensee) to view and report transactional data including sales, cost of sales, inventory status, dispensary performance and other applicable reports:

- Provides algorithms to identify set high-risk alerts to the licensee on the dashboard to guide operations for compliance (i.e., inventory discrepancies).

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- Allows for the extraction and transfer of data sets that are needed to conduct data analysis and compliance with submission of data to the State's seed to sale database via API.
- The data files should be available in raw text, CSV, Excel, and Adobe formats.
- The capability to produce electronic reports along with printing functionality.
- Displays dashboards on devices such as smartphones, iPhones, iPads, and tablets to allow OCM staff to view them for compliance.

1.4 Administration Module

The Administration Module should include the following functionality:

- Maintains and tracks user access, password maintenance and user capabilities
- Audit trail capability to monitor user access and data transaction including data editing and deletion.

1.5 Inventory Management Module

The Inventory Management Module should include the following functionality:

- Uses Barcode Scanner to record product information.
- Uses FIFO (First In, First Out) inventory management principle to allow Licensees to prevent stocking or selling expired products.
- Provides data-related features such as automated product equivalency, purchase limit calculations, product recall management and lab testing tracking.
- Inventory is updated in real time and consolidated across multiple sales channels – online and in-store allowing for accurate inventory reporting and prevent overstocking.
- Provides inventory audit functionality including periodic cycle counting.

1.6 Compliance

New York State Cannabis Licensees will be required by the State of New York to submit data from their Point-of-Sale systems to the contracted State solution via API. The Point-of-Sale System Provider should ensure that their proposed system configures with and has the ability to transfer all required data on a real time basis to the State's Seed to Sale tracking system. The data submitted to the Seed-to-Sale tracking system will be related to product inventory, transaction data, and tax collection, including but not limited to:

- Individual item(s) sold including the form and the quantity of cannabis products and any other items sold.
- Product inventory in the dispensary.
- Selling price.
- Tax due including a separate delineation for each tax imposed on adult-use cannabis pursuant to Article 20-C of the Tax Law.
- Method of payment.

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- Employee completing the sales transaction.
- Device used to complete a sales transaction that may be a combination of software and hardware.
- Unique identifier for the sales transaction.
- Date and time of the sale.
- Any returns made by the consumer.
- Transactions between the retail dispensary and a distributor, including but not limited to receiving inventory and sending back expired or defective products.
- Bidders will be required to be in compliance with the provisions of the Cannabis law and Office of Cannabis Management (“OCM”) rules, regulations, and guidance, which includes compliance with OCM’s two-tier cannabis market structure and True Parties of Interest (“TPI”) rules. Please see Attachment A/OCM instructions.

2. HARDWARE REQUIREMENTS

The Provider should provide all hardware related to the complete operation of the Point of Sale System. Proposed system hardware must include a Point of Sale terminal such as a desktop and a keyboard, iPad or tablet. Specifications for all other required hardware proposed as part of the system and included in the hardware kit such as receipt printers, barcode scanners, cash drawers, etc. must also be provided.

3. IMPLEMENTATION AND USER TRAINING REQUIREMENTS

The Provider will provide implementation services and industry expertise to the Licensee and OCM staff and facilitate the installation of all system components.

3.1 Implementation should include the following items:

- A project plan including a timeline, business rules and business analysis, implementation approach and best practices, within compliance with New York State law and regulations.
- Assign a project team with a project lead who should have experienced at least three (3) full cycles of software implementation.
- Provide a system requirement specification
- Provide a requirement traceability matrix
- System configuration
- Data migration, if applicable
- User Acceptance Testing

3.2 User training requirements

The Provider should:

- Conduct up to five (5) full days live training per dispensary onsite or via video, at a time designated by OCM or DASNY.
- Provide system administrator training separately, as needed.
- Provide a group training (multi-licensees) as needed.

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- Offer a free online course designed for all licensees, from owners and managers to budtenders Including:
 - Video tutorials
 - Interactive content
 - Written documentation
 - Unlimited attendees
 - Flexible and self-directed

Upon training completion, the Provider should provide complete system documentation including:

- System Administrator manuals
- User manuals
- Installation instructions
- Troubleshooting guidelines
- Helpdesk manuals and instructions
- Data dictionary

4. MAINTENANCE/SUPPORT

Provide system maintenance, upgrades, enhancements, and support on an as-needed basis, including but not limited to:

- Providing off-hours support for incidents, emergencies, including disaster recovery.
- Providing a customer care plan for post-Implementation.
- Providing a detailed outline of how end user will access helpdesk and other support services.
- Providing user notice regarding maintenance windows.
- Providing toll-free telephone support services during business hours to the Licensee and OCM. If standard product support hours are more expansive than business hour, Licensee and OCM should be entitled to the expansive support hours.

Provider should include information as to how the deployed hardware will be maintained throughout the term of the subscription.

5. **To Be Determined:** In certain circumstances, DASNY as agent for the Fund, may require access to above services.

ATTACHMENT A

Office of Cannabis Management Instructions to POS Bidders

Generally, a point of sale (POS) provider is not a TPI, unless they meet a TPI category as stated in the Conditional Adult Use Retail Dispensary ("CAURD") rules and regulations, including but not limited to, exerting control over the licensee or earning more in a calendar year than the greatest of: 10% of a licensee's gross revenues; 50% of a licensee's net profits; or \$100,000.

CAURD licensees and their True Parties of Interest shall NOT be a lender, landlord, or be a TPI in any license authorized for the cultivation, processing, and distribution of cannabis or cannabis products.

Further, CAURD licensees, TPI, and third parties management service providers to retail dispensaries are not able to provide such services to any licensee authorized for the cultivation, processing, and distribution of cannabis or cannabis products.

Management service include, but are not limited to agreements granting the ability to control or influence inventory pricing and procurement.

More True Parties of Interest information is available at cannabis.ny.gov/CAURD-TPI.