

BIANCO PROFESSIONAL ASSOCIATION

ATTORNEYS AT LAW

18 CENTRE STREET

CONCORD, NEW HAMPSHIRE 03301-6315

JAMES J. BIANCO, JR.
LISA A. RULE
THOMAS R. COLANTUONO
SHELIAH M. KAUFOLD
ROBERT L. BEST
CHRISTINA A. FERRARI

TELEPHONE
603-225-7170
FACSIMILE
603-226-0165
TOLL FREE
800-262-8112

Rec'd
12/5/12
CAB

December 4, 2012

Via E-Mail and U.S. Mail

Michael Brown, Esquire
Senior Assistant Attorney General
New Hampshire Department of Justice
33 Capitol Street
Concord, NH 03301

Craig W. Bulkley, Issuing Officer and Chief of Administration
Division of Administration
N.H. State Liquor Commission
P.O. Box 503
Concord, NH 03302-0503

Re: Request for Public Information Pursuant to RFP Section 1.14,
N.H. Rev. Stat. Ann. § 91-A, and N.H. Rev. Stat. Ann. § 21-I:13-a, II

Dear Senior Assistant Attorney General Brown and Mr. Bulkley:

As you know, on November 21, 2012, we filed a Right to Know request pursuant to RFP Section 1.14, N.H. Rev. Stat. Ann. § 91-A, New Hampshire's Right to Know Law, and N.H. Rev. Stat. Ann. § 21-I:13-a, II regarding the NHSLC's Request for Proposal 2012-14, Warehouse Services for Wine and Spirits and Related Products (hereinafter the "RFP 2012-14"). We have requested the following information:

1. A complete copy of Exel Inc.'s Proposal to RFP 2012-14 and its supporting documents, including, but not limited to, its submitted responses to all RFP Sections, Appendices, Cost Proposals, and Best and Final Offers (BAFOs);
2. A complete copy of Exel Inc.'s automatic picking/order selection rates for both the NHSLC and Suppliers for the first thirty (30) month period;

3. A complete copy of the NHSLC Evaluation Committee's data and other information regarding its scoring, ranking, evaluation, and analysis of the five (5) Vendors who submitted Proposals to the NHSLC on June 7, 2012; and
4. A complete copy of all written requests for information and responses among the NHSLC Evaluation Committee, other members of the NHSLC, and the five (5) Vendors who submitted Proposals to the NHSLC on June 7, 2012.

Since November 21, 2012, it appears that the NHSLC has only released a small portion of these materials, namely the Proposals and some of the initial rate information of the five (5) Vendors. However, none of the other materials, especially materials pertaining to the Vendors' BAFOs, the NHSLC's scoring, ranking, evaluation, and analysis of the Vendors, and the correspondences among the NHSLC and the Vendors, have been released to date.

In addition, Exel, Inc.'s Proposal and initial rate information has been heavily redacted, so much so that it impedes our complete review of this information. Further, we have noticed that Exel's initial rate information contained in its Cost Proposal was substantially redacted after the NHSLC initially released it on its website. It appears from our review of these materials that this information has been improperly redacted. There is no evidence that Exel, Inc. submitted as part of its Proposal a signed written statement, describing in detail the nature of the Vendor Confidential Information and the grounds for its position that the Vendor Confidential Information is exempt from public disclosure, as required by RFP Section 1.14(b). As a result, there is no evidence that this information has been properly redacted pursuant to N.H. Rev. Stat. Ann. § 91-A:5. On this basis, we request that a complete and unredacted copy of Exel Inc.'s Proposal to RFP 2012-14 and its supporting documents, including, but not limited to, its submitted responses to all RFP Sections, Appendices, Cost Proposals, and Best and Final Offers (BAFOs), be immediately released.

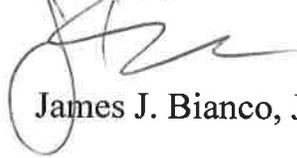
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Without the timely release of the requested information, it is impossible for our client to complete its evaluation of all the materials regarding the RFP bidding process, and to timely pursue the next steps in the RFP protest process, if any. Now that the NHSLC has awarded the contract, we are entitled to an immediate production of these documents. If you contend that there is a reasonable, legal basis for why these materials have not yet been produced, please advise me as soon as possible.

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions regarding this request.

Sincerely yours,

A handwritten signature in black ink, appearing to read "James J. Bianco, Jr.", written over the typed name below.

James J. Bianco, Jr.

JJB/caf

cc: Lisa English, Esquire, Assistant Attorney General
Anthony Cerone
Louis Cerone, Ph.D.