

**From:** [Stephen J. Judge](#)  
**To:** [Craig W. Bulkley](#)  
**Subject:** FW: Warehouse RFP 2012-14 - Rate Changes  
**Date:** Friday, November 30, 2012 5:55:17 PM  
**Attachments:** [Boston CPI 2012-07.pdf](#)

---

\*\*\*\*\*

Stephen J. Judge  
AG Legal Consultant for NHS Liquor Commission  
Wadleigh, Starr & Peters, PLLC  
95 Market Street  
Manchester, New Hampshire 03101  
Tel: 603-669-4140  
Fax: 603-669-6018  
Web: [www.wadleighlaw.com](http://www.wadleighlaw.com)  
E-mail: [sjudge@wadleighlaw.com](mailto:sjudge@wadleighlaw.com)  
E-mail: [stephen.j.judge@liquor.state.nh.us](mailto:stephen.j.judge@liquor.state.nh.us)

Please do not print this email unless necessary

\*\*\*\* CONFIDENTIALITY NOTE \*\*\*\*

NOTICE: This e-mail, including any attachments, is intended for the receipt and use by the intended addressee(s) only, and may contain privileged, confidential, work product and/or trade secrets or other information of a proprietary nature. If you are not an intended recipient of this e-mail, you are hereby notified that any unauthorized use or distribution of this e-mail, including any attachments, is strictly prohibited.

---

**From:** Craig W. Bulkley  
**Sent:** Friday, July 06, 2012 7:45 AM  
**To:** George P. Tsiopras; John D. Bunnell; Hastings, Peter; Stephen J. Judge; Judge, Steve  
**Subject:** FW: Warehouse RFP 2012-14 - Rate Changes



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal

prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

---

**From:** Brian Law [<mailto:brianlaw@lawwarehouses.com>]

**Sent:** Thursday, July 05, 2012 4:57 PM

**To:** Craig W. Bulkley

**Cc:** John Guerette; LAW-Jack Glow; Lehmann, Suzan M.

**Subject:** RE: Warehouse RFP 2012-14 - Rate Changes

Craig: I understand the NHSLC's concerns in this regard, however there are many variables that go into establishing rates. For that reason we took exception to trying to connect renewal pricing to a consumer inflation measure.

Wages & Benefits, rent & taxes, utilities, and interest (if select a floating option) are the key variable cost line items. I have not found a national metric similar to CPI that would suit our needs in capturing the change in these items. Total volume and order profiles (# of orders, size order and frequency of orders) are key operational parameters. These operational parameters have a direct impact on wage costs.

I will commit to weighted average renewal rates being no more than the change in the Boston-Brockton CPI index for the previous 30-month period, unless one or more of the following items experiences a significant enough change to require an additional increase:

- utility costs,
- taxes,
- rent,
- interest (if applicable),
- a change in operational parameters effecting wage costs

For clarification, using the current CPI index of 247.166 (March 2012 – nearest to renewal) and 236.589 (Nov 2009 – 30 months prior), our increase would be no more than 4.5%. We would reserve the right to increase some rates more than 4.5% and others less so long as the net effect was forecasted to be less than 4.5%.

In the end we are open to negotiate should we collectively be able to establish a more reliable metric to develop renewal pricing and are committed to maintaining the NHSLC's competitive pricing advantage through use of a cost effective distribution system. In the same regard, it is vital to the NHSLC's mission that the distribution system and distribution partner remain viable, which may require a change in rates which could not have been predicted 30-months prior. To that end, we also commit to lowering prices or increase revenue sharing should key parameters and cost reductions provide that opportunity.

Regarding scheduling, should you wish to meet, I am unavailable the morning of Thu 7/19, and I am away from Fri 7/20 – Fri 7/27.

Brian

---

**From:** Craig W. Bulkley [<mailto:cbulkley@liquor.state.nh.us>]

**Sent:** Tuesday, July 03, 2012 4:37 PM

**To:** Brian Law  
**Subject:** Warehouse RFP 2012-14 - Rate Changes

Brian:

Section 1.10.4 of the RFP describes the negotiation of rate changes at the end of each 30-month period using the CPI for this region as it relates to the warehousing activities of the vendor. This section also limits any increase to the CPI for the previous twelve months. The purpose of this section was to eliminate the potential for the NHSLC to be at the mercy of a vendor in rate negotiations.

In your proposal on Page 5, you reserve the right to negotiate rate changes beyond the requested limit to CPI for the previous twelve months. As it reads, you can demand an unlimited increase.

It is vital that you provide a fixed metric that you recommend to use for rate negotiations at the end of each 30-month period. So there is no mistake, the Evaluation Committee will not negotiate with a vendor who does not agree to a fixed metric for determining new rates. Furthermore, any change in rates based on this fixed metric must be supported by appropriate documentation to support the requested change.

In order to arrange presentations for the week of the 23<sup>rd</sup> for vendors who have met this requirement, we need to receive an answer to this question by Friday, 7/6, at noon.

Thanks for your anticipated cooperation.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
☎ (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
✉ [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Jeff Malone](#)  
**To:** [Craig W. Bulkley](#)  
**Subject:** RE: Redacted Copy of Warehouse Proposal  
**Date:** Tuesday, November 27, 2012 5:04:30 PM  
**Attachments:** [image002.png](#)

---

The problem with e-mail is that the total size (~25MB) is far too large for your e-mail system, and we receive a message that the message is too big to be delivered. The ideal situation would be for me to just drop a copy by on CD tomorrow morning on my way down to Nashua. How early is your office open?

In terms of troubleshooting the FTP issue, were you unable to download the file, or unable to open it?

If you are unable to download it, did you experience the issue with both the direct link and by attempting to open the <ftp://ftp.lawwarehouses.com> in a web browser?

If you can download it but not open it there is a possibility that your system is preventing access to the file because it came from the internet. If you right-click the file and click properties, do you have a message similar to the one below regarding 'unblocking' the file?



**Jeff Malone**  
**IT Manager**  
**(603)630-3437**

---

**From:** Craig W. Bulkley [mailto:cbulkley@liquor.state.nh.us]  
**Sent:** Tuesday, November 27, 2012 4:39 PM  
**To:** Jeff Malone  
**Subject:** RE: Redacted Copy of Warehouse Proposal

Jeff:

We tried to access your FTP server and the document, but were unable. We got a message that we were unauthorized to open the document. Can you take a look and get back to us? Thanks.

Another way to do this is to convert the document to a pdf file and email to me. That would be much easier as we want to post the document as a pdf anyway.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Chief of Administration  
NH State Liquor Commission  
☎ (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
✉ [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

---

**From:** Jeff Malone [mailto:[JeffMalone@lawwarehouses.com](mailto:JeffMalone@lawwarehouses.com)]  
**Sent:** Tuesday, November 27, 2012 1:33 PM  
**To:** Brian Law; Craig W. Bulkley  
**Cc:** John Guerette; Lehmann, Suzan M. ([slehmann@HASLAW.com](mailto:slehmann@HASLAW.com))  
**Subject:** RE: Redacted Copy of Warehouse Proposal

Craig, as our full proposal is too large to e-mail we have placed the requested documents in a \*.zip file on an FTP server for you to download. It can be accessed by clicking the below link or by directing a web browser to <ftp://ftp.lawwarehouses.com>:

**[CLICK HERE TO DOWNLOAD](#)**

Please let me know if you have any issues accessing the file.

**Jeff Malone**  
**IT Manager**  
**(603)630-3437**

---

**From:** Brian Law  
**Sent:** Tuesday, November 27, 2012 12:26 PM  
**To:** Craig W. Bulkley  
**Cc:** John Guerette; Lehmann, Suzan M. ([slehmann@HASLAW.com](mailto:slehmann@HASLAW.com)); Jeff Malone  
**Subject:** RE: Redacted Copy of Warehouse Proposal

Craig: John is in the process of converting the .docx files to pdf. Either he or Jeff will be in touch shortly regarding how to transfer these files to you.

Brian

---

**From:** Craig W. Bulkley [<mailto:cbulkley@liquor.state.nh.us>]  
**Sent:** Monday, November 26, 2012 4:00 PM  
**To:** Brian Law  
**Subject:** Redacted Copy of Warehouse Proposal

Brian:

The Commission has received Right-to-Know Law requests regarding the Warehouse Services RFP. All Vendors are receiving an email regarding the Right-to-Know requests. One of the items requested is your proposal. In accordance with Section 1.14, Disclosure of Proposal, Page 12 of the RFP, you were required to provide a redacted proposal. In our review of the material you submitted with your proposal, we see that you submitted a redacted proposal. Therefore, the Commission will be releasing your redacted proposal in the near future. Please provide us with an electronic copy of your redacted proposal as soon as possible as we will be releasing this information electronically.

Please be aware that the state reserved the right to review your entire proposal. If that review reveals information which should not have been redacted, you will be notified.

We will also be releasing all email communications between Law Warehouses, Inc. and the NHSLC at the same time.

Thank you.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Chief of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Jeff Malone](#)  
**To:** [Brian Law](#); [Craig W. Bulkley](#)  
**Cc:** [John Guerette](#); [Lehmann, Suzan M. \(slehmann@HASLAW.com\)](#)  
**Subject:** RE: Redacted Copy of Warehouse Proposal  
**Date:** Tuesday, November 27, 2012 1:32:38 PM

---

Craig, as our full proposal is too large to e-mail we have placed the requested documents in a \*.zip file on an FTP server for you to download. It can be accessed by clicking the below link or by directing a web browser to <ftp://ftp.lawwarehouses.com>:

[CLICK HERE TO DOWNLOAD](#)

Please let me know if you have any issues accessing the file.

**Jeff Malone**  
**IT Manager**  
**(603)630-3437**

---

**From:** Brian Law  
**Sent:** Tuesday, November 27, 2012 12:26 PM  
**To:** Craig W. Bulkley  
**Cc:** John Guerette; Lehmann, Suzan M. (slehmann@HASLAW.com); Jeff Malone  
**Subject:** RE: Redacted Copy of Warehouse Proposal

Craig: John is in the process of converting the .docx files to pdf. Either he or Jeff will be in touch shortly regarding how to transfer these files to you.

Brian

---

**From:** Craig W. Bulkley [<mailto:cbulkley@liquor.state.nh.us>]  
**Sent:** Monday, November 26, 2012 4:00 PM  
**To:** Brian Law  
**Subject:** Redacted Copy of Warehouse Proposal

Brian:

The Commission has received Right-to-Know Law requests regarding the Warehouse Services RFP. All Vendors are receiving an email regarding the Right-to-Know requests. One of the items requested is your proposal. In accordance with Section 1.14, Disclosure of Proposal, Page 12 of the RFP, you were required to provide a redacted proposal. In our review of the material you submitted with your proposal, we see that you submitted a redacted proposal. Therefore, the Commission will be releasing your redacted proposal in the near future. Please provide us with an electronic copy of your redacted proposal as soon as possible as we will be releasing this information electronically.

Please be aware that the state reserved the right to review your entire proposal. If that review reveals information which should not have been redacted, you will be notified.

We will also be releasing all email communications between Law Warehouses, Inc. and the NHSLC at the same time.

Thank you.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Chief of Administration  
NH State Liquor Commission  
☎ (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
✉ [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Craig W. Bulkley](#)  
**To:** ["Law, Brian"](#)  
**Subject:** Law - Redacted Copy of Warehouse Proposal  
**Date:** Monday, November 26, 2012 4:00:25 PM

---

Brian:

The Commission has received Right-to-Know Law requests regarding the Warehouse Services RFP. All Vendors are receiving an email regarding the Right-to-Know requests. One of the items requested is your proposal. In accordance with Section 1.14, Disclosure of Proposal, Page 12 of the RFP, you were required to provide a redacted proposal. In our review of the material you submitted with your proposal, we see that you submitted a redacted proposal. Therefore, the Commission will be releasing your redacted proposal in the near future. Please provide us with an electronic copy of your redacted proposal as soon as possible as we will be releasing this information electronically.

Please be aware that the state reserved the right to review your entire proposal. If that review reveals information which should not have been redacted, you will be notified.

We will also be releasing all email communications between Law Warehouses, Inc. and the NHSLC at the same time.

Thank you.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Chief of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Craig W. Bulkley](#)  
**To:** [Brian Law](#)  
**Subject:** RE: RFP Process - Law  
**Date:** Thursday, November 15, 2012 10:33:20 AM

---

Brian:

Regarding your request in your first paragraph, that is a fair request, and I will take it to the Commissioners.

---

**From:** Brian Law [mailto:brianlaw@lawwarehouses.com]  
**Sent:** Thu 11/15/2012 9:40 AM  
**To:** Craig W. Bulkley  
**Subject:** RE: RFP Process

Craig: If this goes as you are indicating, we will have over 115 employees that will be shell shocked by the news – going into your busiest week of the year. We are concerned about how our employees will react if they find out by a web posting or from a store employee telling them we're out. Third shift is working seven days a week and first shift is working Sunday through Friday this week. I respectfully request that if the contract is finalized with someone else, that the Commission not issue a press release or announcement until we are able to properly meet with our employees to give them the news.

We would still prefer the opportunity to work out a contract with the Commission for our long-term strategy. If that opportunity exists please contact me.

Thanks - Brian

---

**From:** Craig W. Bulkley [mailto:cbulkley@liquor.state.nh.us]  
**Sent:** Wednesday, November 14, 2012 4:23 PM  
**To:** Brian Law  
**Subject:** RFP Process

Brian:

As a matter of courtesy, this is to notify you that, under Section 4.6 and 4.6.1, Page 35 of the Warehouse RFP, a Vendor has been notified in writing of its selection for contract discussions because its proposal has been determined to be the most advantageous to the state as determined by the NHSLC after taking into consideration all of the evaluation factors. Contract negotiations are ongoing.

We must remind you that if the NHSLC is unable to reach an agreement during contract discussions, it may commence discussions with the next highest-ranked Vendor.

You are also reminded that this entire process is confidential until the contract is approved by the office of the Attorney General. You will be notified when and if that occurs.

Thank you.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Chief of Administration  
NH State Liquor Commission  
☎ (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
✉ [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Craig W. Bulkley](#)  
**To:** [Brian Law](#)  
**Subject:** RE: RFP Process - Law  
**Date:** Thursday, November 15, 2012 10:33:20 AM

---

Brian:

Regarding your request in your first paragraph, that is a fair request, and I will take it to the Commissioners.

---

**From:** Brian Law [mailto:brianlaw@lawwarehouses.com]  
**Sent:** Thu 11/15/2012 9:40 AM  
**To:** Craig W. Bulkley  
**Subject:** RE: RFP Process

Craig: If this goes as you are indicating, we will have over 115 employees that will be shell shocked by the news – going into your busiest week of the year. We are concerned about how our employees will react if they find out by a web posting or from a store employee telling them we're out. Third shift is working seven days a week and first shift is working Sunday through Friday this week. I respectfully request that if the contract is finalized with someone else, that the Commission not issue a press release or announcement until we are able to properly meet with our employees to give them the news.

We would still prefer the opportunity to work out a contract with the Commission for our long-term strategy. If that opportunity exists please contact me.

Thanks - Brian

---

**From:** Craig W. Bulkley [mailto:cbulkley@liquor.state.nh.us]  
**Sent:** Wednesday, November 14, 2012 4:23 PM  
**To:** Brian Law  
**Subject:** RFP Process

Brian:

As a matter of courtesy, this is to notify you that, under Section 4.6 and 4.6.1, Page 35 of the Warehouse RFP, a Vendor has been notified in writing of its selection for contract discussions because its proposal has been determined to be the most advantageous to the state as determined by the NHSLC after taking into consideration all of the evaluation factors. Contract negotiations are ongoing.

We must remind you that if the NHSLC is unable to reach an agreement during contract discussions, it may commence discussions with the next highest-ranked Vendor.

You are also reminded that this entire process is confidential until the contract is approved by the office of the Attorney General. You will be notified when and if that occurs.

Thank you.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Chief of Administration  
NH State Liquor Commission  
☎ (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
✉ [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Brian Law](#)  
**To:** [Craig W. Bulkley](#)  
**Subject:** RE: RFP Process  
**Date:** Thursday, November 15, 2012 9:40:28 AM

---

Craig: If this goes as you are indicating, we will have over 115 employees that will be shell shocked by the news – going into your busiest week of the year. We are concerned about how our employees will react if they find out by a web posting or from a store employee telling them we're out. Third shift is working seven days a week and first shift is working Sunday through Friday this week. I respectfully request that if the contract is finalized with someone else, that the Commission not issue a press release or announcement until we are able to properly meet with our employees to give them the news.

We would still prefer the opportunity to work out a contract with the Commission for our long-term strategy. If that opportunity exists please contact me.

Thanks - Brian

---

**From:** Craig W. Bulkley [mailto:[cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)]  
**Sent:** Wednesday, November 14, 2012 4:23 PM  
**To:** Brian Law  
**Subject:** RFP Process

Brian:

As a matter of courtesy, this is to notify you that, under Section 4.6 and 4.6.1, Page 35 of the Warehouse RFP, a Vendor has been notified in writing of its selection for contract discussions because its proposal has been determined to be the most advantageous to the state as determined by the NHSLC after taking into consideration all of the evaluation factors. Contract negotiations are ongoing.

We must remind you that if the NHSLC is unable to reach an agreement during contract discussions, it may commence discussions with the next highest-ranked Vendor.

You are also reminded that this entire process is confidential until the contract is approved by the office of the Attorney General. You will be notified when and if that occurs.

Thank you.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Chief of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897

Cell: (603) 490-1559

✉ [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Craig W. Bulkley](#)  
**To:** "[Law, Brian](#)"  
**Subject:** RFP Process - Law  
**Date:** Wednesday, November 14, 2012 4:23:11 PM

---

Brian:

As a matter of courtesy, this is to notify you that, under Section 4.6 and 4.6.1, Page 35 of the Warehouse RFP, a Vendor has been notified in writing of its selection for contract discussions because its proposal has been determined to be the most advantageous to the state as determined by the NHSLC after taking into consideration all of the evaluation factors. Contract negotiations are ongoing.

We must remind you that if the NHSLC is unable to reach an agreement during contract discussions, it may commence discussions with the next highest-ranked Vendor.

You are also reminded that this entire process is confidential until the contract is approved by the office of the Attorney General. You will be notified when and if that occurs.

Thank you.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Chief of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Brian Law](#)  
**To:** [Craig W. Bulkley](#)  
**Subject:** NHSLC RFP 2012-14  
**Date:** Wednesday, November 14, 2012 3:56:58 PM

---

Dear Craig: I see the deadline has been extended. Is the RFP still in the BAFO phase?

Thanks - Brian

**From:** [Craig W. Bulkley](#)  
**To:** [George P. Tsiopras](#); [John D. Bunnell](#); "[Hastings, Peter](#)"; [Stephen J. Judge](#); "[Judge, Steve](#)"  
**Subject:** FW: Law - Financial BAFO Final Confirmation  
**Date:** Tuesday, October 30, 2012 1:33:50 PM

---

fyi



Craig W. Bulkley  
Chief of Administration  
NH State Liquor Commission  
☎ (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
✉ [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

---

**From:** Brian Law [<mailto:brianlaw@lawwarehouses.com>]  
**Sent:** Tuesday, October 30, 2012 1:18 PM  
**To:** Craig W. Bulkley  
**Cc:** John Guerette; Lehmann, Suzan M.; Jack Law  
**Subject:** RE: Law - Financial BAFO Final Confirmation

Craig: Yes, this is correct.

Thanks - Brian

---

**From:** Craig W. Bulkley [<mailto:cbulkley@liquor.state.nh.us>]  
**Sent:** Tuesday, October 30, 2012 11:11 AM  
**To:** Brian Law  
**Subject:** Law - Financial BAFO Final Confirmation

Brian:

At this time, the Liquor Commission wishes to make a final confirmation of your financial BAFO. We understand that your final offer to us on the template for the first 30 months is \$27,875,457.

Please confirm that this number is correct no later than 1 PM on Friday, November 2, 2012.

Thank you.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Chief of Administration  
NH State Liquor Commission  
☎ (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
✉ [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Brian Law](#)  
**To:** [Craig W. Bulkley](#)  
**Cc:** [John Guerette](#); [Lehmann, Suzan M.](#); [Jack Law](#)  
**Subject:** RE: Law - Financial BAFO Final Confirmation  
**Date:** Tuesday, October 30, 2012 1:18:26 PM

---

Craig: Yes, this is correct.

Thanks - Brian

---

**From:** Craig W. Bulkley [mailto:[cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)]  
**Sent:** Tuesday, October 30, 2012 11:11 AM  
**To:** Brian Law  
**Subject:** Law - Financial BAFO Final Confirmation

Brian:

At this time, the Liquor Commission wishes to make a final confirmation of your financial BAFO. We understand that your final offer to us on the template for the first 30 months is \$27,875,457.

Please confirm that this number is correct no later than 1 PM on Friday, November 2, 2012.

Thank you.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Chief of Administration  
NH State Liquor Commission  
☎ (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
✉ [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Brian Law](#)  
**To:** [Craig W. Bulkley](#)  
**Cc:** [John Guerette](#); [Lehmann, Suzan M.](#); [Jack Law](#)  
**Subject:** RE: Law - Financial BAFO Final Confirmation  
**Date:** Tuesday, October 30, 2012 1:18:26 PM

---

Craig: Yes, this is correct.

Thanks - Brian

---

**From:** Craig W. Bulkley [mailto:[cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)]  
**Sent:** Tuesday, October 30, 2012 11:11 AM  
**To:** Brian Law  
**Subject:** Law - Financial BAFO Final Confirmation

Brian:

At this time, the Liquor Commission wishes to make a final confirmation of your financial BAFO. We understand that your final offer to us on the template for the first 30 months is \$27,875,457.

Please confirm that this number is correct no later than 1 PM on Friday, November 2, 2012.

Thank you.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Chief of Administration  
NH State Liquor Commission  
☎ (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
✉ [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Craig W. Bulkley](#)  
**To:** ["Law, Brian"](#)  
**Cc:** [Stephen J. Judge](#); ["Lehmann, Suzan M."](#); ["Jack Law \(jacklaw@lawwarehouses.com\)"](#); ["John Guerette"](#); [LAW-Jack Glow](#); [Craig W. Bulkley](#)  
**Subject:** P-37 amendments - Law  
**Date:** Friday, October 26, 2012 12:37:22 PM

---

Dear Brian

Following consultation with the AG's Office, the EC is authorized to amend the P-37 as follows.  
One, the parties shall mutually agree to waive consequential and indirect damages.  
Two, In the event of a material breach that involves the payment of a penalty, the Vendor shall pay the penalty. If the Vendor fails to pay the penalty within a reasonable time, the NHSLC shall recover the penalty from the performance bond, provided, however, that the Vendor restores the bond to its original or any increased amount within a reasonable time.  
I expect that the terms will be clarified to a specific time.

Steve Judge on behalf of



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Brian Law](#)  
**To:** [Craig W. Bulkley](#)  
**Cc:** [Lehmann, Suzan M.](#); [John Guerette](#); [Jack Law](#); [LAW-Jack Glow](#); [monksco](#)  
**Subject:** RE: Law - Warehouse RFP 2012-14  
**Date:** Tuesday, September 11, 2012 10:28:55 AM

---

Craig: To clear up any confusion over these dates, you asked me to indicate what cost increases would result by extending my Proposal to November 14<sup>th</sup> 2012, and if in fact I would agree to extend my Proposal offer to November 14, 2012.

Please accept this email as notification that I agree to extend my Proposal without change in rates until November 14, 2012.

Brian

---

**From:** Brian Law  
**Sent:** Tuesday, September 11, 2012 10:02 AM  
**To:** [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)  
**Cc:** 'Lehmann, Suzan M.'; [jlaw@lawwarehouses.com](mailto:jlaw@lawwarehouses.com); Jack Glow; monksco  
**Subject:** Warehouse RFP 2012-14

Craig: I have tentative agreement to extend my agreement with Nestle. As such I agree to extend my Proposal for the 30-month period beginning November 1, 2013 through November 14, 2012.

Brian

**From:** [Brian Law](#)  
**To:** [Craig W. Bulkley](#)  
**Cc:** [Lehmann, Suzan M.](#); [John Guerette](#); [Jack Law](#); [LAW-Jack Glow](#); [monksco](#)  
**Subject:** Warehouse RFP 2012-14  
**Date:** Tuesday, September 11, 2012 10:03:01 AM

---

Craig: I have tentative agreement to extend my agreement with Nestle. As such I agree to extend my Proposal for the 30-month period beginning November 1, 2013 through November 14, 2012.

Brian

**From:** [Craig W. Bulkley](#)  
**To:** "[Law, Brian](#)"  
**Subject:** Law - Response to Your Allegations  
**Date:** Monday, September 10, 2012 12:05:20 PM

---

Brian:

You state in your email from September 4, 2012 at 10:39 AM that the "delay appears specifically intended to allow other bidders time to improve the [sic] position while adding significant cost to our Proposal. Why is this delay being requested?"

Every action that has been taken is designed to discharge the duty to use due diligence to review all five proposals. No action has been intended to favor certain bidders or disadvantage others.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Brian Law](#)  
**To:** [Craig W. Bulkley](#)  
**Cc:** [John Guerette](#); [LAW-Jack Glow](#); [Jack Law](#); [Lehmann, Suzan M.](#)  
**Subject:** RE: Law - August 31, 2012 Question Renewed  
**Date:** Friday, September 07, 2012 1:59:43 PM

---

Craig: Please understand that my reply was not intended to imply that I was unwilling to have this conversation with Nestle should the November date be implemented by the Commission. However, your August 31<sup>st</sup> email asked for an answer to a theoretical event within a matter of two business days, which I believed would not be possible. In addition, because of Nestlé's frustrations with all the delays to date, I chose not to jeopardize my relationship with Nestle at that time.

Following receipt of today's email, and recognizing that September 12<sup>th</sup> is now less than a week away, I put a call into my contact at Nestle leaving him a detailed message. I have not heard back from him as of yet.

Regarding the September 12<sup>th</sup> date, our goal is to enter into a new long-term relationship with the NHSLC. As you are aware however, it has been costing us more than \$xx,000 per month to hold the building through September 30<sup>th</sup>. I will discuss these recent events and the Commission's position with Nestle and my team over the next few days to decide if I will be able to extend my Proposal as submitted, or whether such an extension will be at modified rates and/or revenue sharing to the NHSLC.

Should you have any questions, please feel free to contact me on my cell.

Brian

---

**From:** Craig W. Bulkley [mailto:[cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)]  
**Sent:** Friday, September 07, 2012 12:14 PM  
**To:** Brian Law  
**Subject:** August 31, 2012 Question Renewed

Brian:

The EC is continuing its review of the long-term warehouse proposals. As you know, we continue to compare the proposals to the RFP and to each other. Each extension of the contract award date has been designed to sharpen the proposals.

On August 31, 2012, we asked a question about the effect of setting the award of the contract on November 14, 2012.

You have not answered the question.

We must reiterate the question and achieve an understanding of your position.

You responded in two emails on September 4, 2012 at 10:39 AM and 10:23 PM. Your answer, in sum, is that it would be very difficult and costly to negotiate with Nestle' an extension of your interest in the Seabrook site and that you can not commit to a timeframe to complete such negotiations and define the financial impact.

It appears that you are unwilling to even attempt to take steps to provide an answer to the question. Is that your position?

You have reserved the right to withdraw your proposal on September 12, 2012. Do you intend to withdraw your proposal on that date?

It is imperative that you reply to the above questions by **2:00 PM today, 9/7**. I will call you to bring this email to your attention.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Craig W. Bulkley](#)  
**To:** "Law, Brian"  
**Subject:** Law - August 31, 2012 Question Renewed  
**Date:** Friday, September 07, 2012 12:13:48 PM

---

Brian:

The EC is continuing its review of the long-term warehouse proposals. As you know, we continue to compare the proposals to the RFP and to each other. Each extension of the contract award date has been designed to sharpen the proposals.

On August 31, 2012, we asked a question about the effect of setting the award of the contract on November 14, 2012.

You have not answered the question.

We must reiterate the question and achieve an understanding of your position.

You responded in two emails on September 4, 2012 at 10:39 AM and 10:23 PM. Your answer, in sum, is that it would be very difficult and costly to negotiate with Nestle' an extension of your interest in the Seabrook site and that you can not commit to a timeframe to complete such negotiations and define the financial impact.

It appears that you are unwilling to even attempt to take steps to provide an answer to the question. Is that your position?

You have reserved the right to withdraw your proposal on September 12, 2012. Do you intend to withdraw your proposal on that date?

It is imperative that you reply to the above questions by **2:00 PM today, 9/7**. I will call you to bring this email to your attention.

 Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination,

forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Brian Law](#)  
**To:** [Brian Law](#); [Craig W. Bulkley](#)  
**Cc:** [John Guerette](#); [Lehmann, Suzan M.](#); [LAW-Jack Glow](#); [Jack Law](#)  
**Subject:** RE: Law Template Rates  
**Date:** Tuesday, September 04, 2012 10:33:03 PM

---

Craig: Please change the January 1, 2012 in my first sentence to January 1, 2013.

---

**From:** Brian Law  
**Sent:** Tuesday, September 04, 2012 10:14 PM  
**To:** 'Craig W. Bulkley'  
**Cc:** John Guerette; Lehmann, Suzan M.; Jack Glow; 'jlaw@lawwarehouses.com'  
**Subject:** RE: Template Rates

Craig: One of the underlying goals in our Proposal is to avoid implementing the 14% rate increase slated to go into effect January 1, 2012. To avoid that increase and to eliminate the \$0.12 shipping fee during this contract rather than wait until Nov 2013 we needed the Concord bailment revenue. As such, to avoid the 14% increase, every one month delay in transitioning Concord required a three month delay in savings to the NHSLC.

Your question below specifically asks about the 30-month period beginning Nov 1, 2013. Should we reach a contract by September 20, 2012, implement the 14% increase January 1, 2013 and have the Concord supplier inventory transition for November 1, 2013, our rates and revenue sharing as proposed for the 30-months of the contract effective November 1, 2013 do not need to be increased or delayed.

Regarding another extension, due to our agreement with Nestle expiring September 30<sup>th</sup>, the fact that this RFP has been extended so many times, the fact that there is no reason to believe the Special Commission would allow a November award date, and interest in the property from other tenants, it would be very difficult and thus very costly to convince Nestle to agree to another extension. As such, it is impossible at this time to determine the impact of an extension on our grand total costs and revenue sharing, should an extension even be possible.

Should you have any further questions or would like to meet for further clarification, please feel free to contact me.

Brian

---

**From:** Craig W. Bulkley [<mailto:cbulkley@liquor.state.nh.us>]  
**Sent:** Tuesday, September 04, 2012 5:16 PM  
**To:** Brian Law  
**Subject:** RE: Template Rates

Brian:

The premise of my question was that the product would not be transferred by October 31, 2012 and in fact, would not be transferred until November 1, 2013. It was our understanding, from your

proposal, that revenue sharing would be postponed three months for every month after October 2012 that the product was not transferred. By my math, if the product is not transferred until November 2013, revenue sharing would be delayed by 36 months. If that is the case, your proposal contains no revenue sharing for the first thirty months.

Please explain what I am not understanding. Thanks.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
☎ (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
✉ [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

---

**From:** Brian Law [<mailto:brianlaw@lawwarehouses.com>]  
**Sent:** Tuesday, September 04, 2012 4:32 PM  
**To:** Craig W. Bulkley  
**Cc:** John Guerette; LAW-Jack Glow; Jack Law; Suzan M. Lehmann  
**Subject:** RE: Template Rates

Provided we have a fully executed contract with the NHSLC on or before September 20, 2012, and the completed transition of the supplier owned inventory from the Concord Warehouse to Seabrook for November 1, 2013, our proposed rates and our proposed revenue sharing for the 30-month period beginning November 1, 2013 are as proposed.

---

**From:** Craig W. Bulkley [<mailto:cbulkley@liquor.state.nh.us>]  
**Sent:** Tuesday, September 04, 2012 1:42 PM  
**To:** Brian Law  
**Subject:** Template Rates

Brian:

The RFP requires a contract that begins on November 1, 2013. If Product is not transferred from the Concord warehouse to a new warehouse until November 1, 2013, what effect will that have on your rates for the first 30 months contained in the template?

What effect will the same scenario noted above have on your revenue sharing proposal and/or any other component of your proposal?



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission

 (603) 230-7008

FAX (603) 271-3897

Cell: (603) 490-1559

 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Brian Law](#)  
**To:** [Craig W. Bulkley](#)  
**Cc:** [John Guerette](#); [Lehmann, Suzan M.](#); [LAW-Jack Glow](#); [Jack Law](#)  
**Subject:** RE: Law Template Rates  
**Date:** Tuesday, September 04, 2012 10:14:12 PM

---

Craig: One of the underlying goals in our Proposal is to avoid implementing the 14% rate increase slated to go into effect January 1, 2012. To avoid that increase and to eliminate the \$0.12 shipping fee during this contract rather than wait until Nov 2013 we needed the Concord bailment revenue. As such, to avoid the 14% increase, every one month delay in transitioning Concord required a three month delay in savings to the NHSLC.

Your question below specifically asks about the 30-month period beginning Nov 1, 2013. Should we reach a contract by September 20, 2012, implement the 14% increase January 1, 2013 and have the Concord supplier inventory transition for November 1, 2013, our rates and revenue sharing as proposed for the 30-months of the contract effective November 1, 2013 do not need to be increased or delayed.

Regarding another extension, due to our agreement with Nestle expiring September 30<sup>th</sup>, the fact that this RFP has been extended so many times, the fact that there is no reason to believe the Special Commission would allow a November award date, and interest in the property from other tenants, it would be very difficult and thus very costly to convince Nestle to agree to another extension. As such, it is impossible at this time to determine the impact of an extension on our grand total costs and revenue sharing, should an extension even be possible.

Should you have any further questions or would like to meet for further clarification, please feel free to contact me.

Brian

---

**From:** Craig W. Bulkley [mailto:[cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)]  
**Sent:** Tuesday, September 04, 2012 5:16 PM  
**To:** Brian Law  
**Subject:** RE: Template Rates

Brian:

The premise of my question was that the product would not be transferred by October 31, 2012 and in fact, would not be transferred until November 1, 2013. It was our understanding, from your proposal, that revenue sharing would be postponed three months for every month after October 2012 that the product was not transferred. By my math, if the product is not transferred until November 2013, revenue sharing would be delayed by 36 months. If that is the case, your proposal contains no revenue sharing for the first thirty months.

Please explain what I am not understanding. Thanks.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
☎ (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
✉ [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

---

**From:** Brian Law [<mailto:brianlaw@lawwarehouses.com>]  
**Sent:** Tuesday, September 04, 2012 4:32 PM  
**To:** Craig W. Bulkley  
**Cc:** John Guerette; LAW-Jack Glow; Jack Law; Suzan M. Lehmann  
**Subject:** RE: Template Rates

Provided we have a fully executed contract with the NHSLC on or before September 20, 2012, and the completed transition of the supplier owned inventory from the Concord Warehouse to Seabrook for November 1, 2013, our proposed rates and our proposed revenue sharing for the 30-month period beginning November 1, 2013 are as proposed.

---

**From:** Craig W. Bulkley [<mailto:cbulkley@liquor.state.nh.us>]  
**Sent:** Tuesday, September 04, 2012 1:42 PM  
**To:** Brian Law  
**Subject:** Template Rates

Brian:

The RFP requires a contract that begins on November 1, 2013. If Product is not transferred from the Concord warehouse to a new warehouse until November 1, 2013, what effect will that have on your rates for the first 30 months contained in the template?

What effect will the same scenario noted above have on your revenue sharing proposal and/or any other component of your proposal?



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission

 (603) 230-7008

FAX (603) 271-3897

Cell: (603) 490-1559

 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Craig W. Bulkley](#)  
**To:** "[Brian Law](#)"  
**Subject:** RE: Law Template Rates  
**Date:** Tuesday, September 04, 2012 5:16:27 PM

---

Brian:

The premise of my question was that the product would not be transferred by October 31, 2012 and in fact, would not be transferred until November 1, 2013. It was our understanding, from your proposal, that revenue sharing would be postponed three months for every month after October 2012 that the product was not transferred. By my math, if the product is not transferred until November 2013, revenue sharing would be delayed by 36 months. If that is the case, your proposal contains no revenue sharing for the first thirty months.

Please explain what I am not understanding. Thanks.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

---

**From:** Brian Law [mailto:[brianlaw@lawwarehouses.com](mailto:brianlaw@lawwarehouses.com)]  
**Sent:** Tuesday, September 04, 2012 4:32 PM  
**To:** Craig W. Bulkley  
**Cc:** John Guerette; LAW-Jack Glow; Jack Law; Suzan M. Lehmann  
**Subject:** RE: Template Rates

Provided we have a fully executed contract with the NHSLC on or before September 20, 2012, and the completed transition of the supplier owned inventory from the Concord Warehouse to Seabrook for November 1, 2013, our proposed rates and our proposed revenue sharing for the 30-month period beginning November 1, 2013 are as proposed.

---

**From:** Craig W. Bulkley [mailto:[cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)]  
**Sent:** Tuesday, September 04, 2012 1:42 PM  
**To:** Brian Law  
**Subject:** Template Rates

Brian:

The RFP requires a contract that begins on November 1, 2013. If Product is not transferred from the Concord warehouse to a new warehouse until November 1, 2013, what effect will that have on your rates for the first 30 months contained in the template?

What effect will the same scenario noted above have on your revenue sharing proposal and/or any other component of your proposal?



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Brian Law](#)  
**To:** [Craig W. Bulkley](#)  
**Cc:** [John Guerette](#); [LAW-Jack Glow](#); [Jack Law](#); [Suzan M. Lehmann](#)  
**Subject:** RE: Law - Template Rates  
**Date:** Tuesday, September 04, 2012 4:32:38 PM

---

Provided we have a fully executed contract with the NHSLC on or before September 20, 2012, and the completed transition of the supplier owned inventory from the Concord Warehouse to Seabrook for November 1, 2013, our proposed rates and our proposed revenue sharing for the 30-month period beginning November 1, 2013 are as proposed.

---

**From:** Craig W. Bulkley [mailto:[cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)]  
**Sent:** Tuesday, September 04, 2012 1:42 PM  
**To:** Brian Law  
**Subject:** Template Rates

Brian:

The RFP requires a contract that begins on November 1, 2013. If Product is not transferred from the Concord warehouse to a new warehouse until November 1, 2013, what effect will that have on your rates for the first 30 months contained in the template?

What effect will the same scenario noted above have on your revenue sharing proposal and/or any other component of your proposal?



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Craig W. Bulkley](#)  
**To:** ["Law, Brian"](#)  
**Subject:** Law Template Rates  
**Date:** Tuesday, September 04, 2012 1:42:14 PM

---

Brian:

The RFP requires a contract that begins on November 1, 2013. If Product is not transferred from the Concord warehouse to a new warehouse until November 1, 2013, what effect will that have on your rates for the first 30 months contained in the template?

What effect will the same scenario noted above have on your revenue sharing proposal and/or any other component of your proposal?



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Brian Law](#)  
**To:** [Craig W. Bulkley](#)  
**Cc:** [John Guerette](#); [Lehmann, Suzan M.](#); [LAW-Jack Glow](#)  
**Subject:** RE: Law - Contract Award Extension  
**Date:** Tuesday, September 04, 2012 10:39:13 AM

---

Craig:

The Committee and the Commission are aware that our agreement with Nestle expires September 30, 2012, and that an extension of your September 12<sup>th</sup> date will require a renegotiation of our agreement with Nestle. This delay appears specifically intended to allow other bidders time to improve the position while adding significant cost to our Proposal. Why is this delay being requested?

Given that we're in the second RFP for this contract and that you are now calling for the 4<sup>th</sup> extension of the deadline, what assurances can the Commission provide Law and Nestle that we are at a minimum one of two finalists for the contract and that this contract will in fact be signed in November 2012?

Even if we agree to renegotiate our agreement with Nestle, and Nestle agrees to renegotiate with us, I cannot commit to a timeframe whereby those negotiations will be completed and we will be able to define the financial impact to our Proposal. Provided the November 14<sup>th</sup> date is met, when would the supplier inventory currently distributed from the Concord warehouse be transitioned to Seabrook?

Brian

---

**From:** Craig W. Bulkley [mailto:[cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)]  
**Sent:** Friday, August 31, 2012 4:18 PM  
**To:** Brian Law  
**Subject:** Contract Award Extension

Brian:

The Evaluation Committee has a question that you need to answer.

The question is: What additional costs would be incurred if the contract was not awarded until November 14, 2012? What would be the impact on your grand total costs over the initial 30-month term?

We would like a response by 12:00 noon on Wednesday, September 5, 2012. If, however, a small amount of additional time is required, please let us know.

Thank you.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission

 (603) 230-7008

FAX (603) 271-3897

Cell: (603) 490-1559

 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Craig W. Bulkley](#)  
**To:** ["Law, Brian"](#)  
**Subject:** Law - Contract Award Extension  
**Date:** Friday, August 31, 2012 4:17:56 PM

---

Brian:

The Evaluation Committee has a question that you need to answer.

The question is: What additional costs would be incurred if the contract was not awarded until November 14, 2012? What would be the impact on your grand total costs over the initial 30-month term?

We would like a response by 12:00 noon on Wednesday, September 5, 2012. If, however, a small amount of additional time is required, please let us know.

Thank you.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Craig W. Bulkley](#)  
**To:** ["Brian Law"](#)  
**Cc:** [George P. Tsiopras](#); [John D. Bunnell](#); ["Hastings, Peter"](#); [Stephen J. Judge](#); ["Judge, Steve"](#)  
**Subject:** Law - RE: Warehouse RFP 2012-14 - Proposal Withdrawal Date Extension  
**Date:** Wednesday, August 29, 2012 4:23:00 PM

---

Brian:

The Commission hereby agrees an extension to your proposal from Wednesday, August 29, 2012 to Wednesday, September 12, 2012. If September 12, 2012 arrives, and you have not triggered any of the provisions of Section 1.22, the Commission will allow your proposal to be withdrawn with no penalty.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

---

**From:** Brian Law [mailto:[brianlaw@lawwarehouses.com](mailto:brianlaw@lawwarehouses.com)]  
**Sent:** Wednesday, August 29, 2012 11:57 AM  
**To:** Craig W. Bulkley  
**Cc:** Lehmann, Suzan M.; John Guerette; LAW-Jack Glow; Jack Law  
**Subject:** Warehouse RFP 2012-14 - Proposal Withdrawal Date Extension

Craig,

Please be advised that Law Warehouses, Inc. ("Law") wishes to extend its proposal withdrawal date of Wednesday, August 29, 2012, previously approved by the NHSLC, to Wednesday, September 12, 2012. Law requests that the NHSLC again agree, pursuant to its authority under RFP, Section 1.22 (Proposal Guaranty) and Section 1.5.1 (Nature of Proposal), that just cause exists for such withdrawal of Law's proposal and approve such withdrawal, without any penalty or liability on Law's part, including, but not limited to, forfeiture of Law's \$50,000 proposal guaranty, if a contract for warehouse services is not executed by Law and the NHSLC by Wednesday, September 12, 2012.

As our current approved proposal withdrawal date of August 29, 2012 is expiring, we request that you confirm the NHSLC's agreement to this extension to Wednesday, September 12, 2012 as described above, in writing no later than 3:00pm EST today.

Should you have any questions about this matter, please feel free to contact me by email or on my cell at 603-759-7724.

Brian

**From:** [Brian Law](#)  
**To:** [Craig W. Bulkley](#)  
**Cc:** [Lehmann, Suzan M.](#); [John Guerette](#); [LAW-Jack Glow](#); [Jack Law](#)  
**Subject:** Warehouse RFP 2012-14 - Proposal Withdrawal Date Extension  
**Date:** Wednesday, August 29, 2012 11:57:05 AM

---

Craig,

Please be advised that Law Warehouses, Inc. ("Law") wishes to extend its proposal withdrawal date of Wednesday, August 29, 2012, previously approved by the NHSLC, to Wednesday, September 12, 2012. Law requests that the NHSLC again agree, pursuant to its authority under RFP, Section 1.22 (Proposal Guaranty) and Section 1.5.1 (Nature of Proposal), that just cause exists for such withdrawal of Law's proposal and approve such withdrawal, without any penalty or liability on Law's part, including, but not limited to, forfeiture of Law's \$50,000 proposal guaranty, if a contract for warehouse services is not executed by Law and the NHSLC by Wednesday, September 12, 2012.

As our current approved proposal withdrawal date of August 29, 2012 is expiring, we request that you confirm the NHSLC's agreement to this extension to Wednesday, September 12, 2012 as described above, in writing no later than 3:00pm EST today.

Should you have any questions about this matter, please feel free to contact me by email or on my cell at 603-759-7724.

Brian

**From:** [Brian Law](#)  
**To:** [Craig W. Bulkley](#)  
**Cc:** [John Guerette](#); [LAW-Jack Glow](#); [Lehmann, Suzan M.](#)  
**Subject:** Warehouse RFP 2012-14  
**Date:** Thursday, August 23, 2012 2:51:07 PM

---

Craig: For point of clarification, the savings and revenue sharing chart I provided today shows savings in relation to the rates in effect today, not the rates associated with the next increase due to go into effect January 1.

I notice that George's excel spreadsheet compares our Proposed rates for the new contract against the rates which go into effect January 1. If I had created the chart to compare against the higher January 1 rates the savings from our Proposal are even higher.

Thanks - Brian

**From:** [Stephen J. Judge](#)  
**To:** ["John Guerette \(johnguerette@lawwarehouses.com\)"; Craig W. Bulkley; George P. Tsiopras; "Hastings, Peter"](#)  
**Cc:** [Stephen J. Judge](#)  
**Subject:** Law Exceptions Part III  
**Date:** Wednesday, August 22, 2012 2:51:19 PM  
**Attachments:** [Response to S Judge\\_email re negotiable items\\_07.25.12.docx](#)  
[Response to C Bulkley 2012-07-31 BAFO\\_email.docx](#)

---

The Law exceptions have a tortured history. While there are no exceptions for XTL and EXEL has generally agreed to our terms, Law continues to dispute numerous provisions of the RFP and the contract.

The original Proposal contained extensive problematic exceptions.

The EC met with Law and discussed numerous issues that we had with his exceptions. Brian went on vacation. I had a congenial conversation with John Guerette. John produced a scaled down list, attached above. We requested BAFOs. Law's exceptions are attached as the 7-31 document above. I noticed that the old exceptions were back and queried John G. This is his response:

Question 2: After Brian's review of the communications during his absence and in response to Craig's email dated July 31, 2012, a complete list of exceptions was prepared. Yes, this is a more exhaustive list than was presented by John and supersedes that original list.

Clarifications:

3.0.4 Receiving: This section was restated in the exceptions list; however, we recognize that receiving (especially which bar code is most appropriate to implement to meet the automation, growth and cycle requirements of the future) needs to be worked out between the NHSLC and Law.

3.11 Appendix K: Anything relating to this section was discussed in a conference call yesterday and is being addressed in a separate email thread with Craig Bulkley.

Section VII General Requirements – 4. Transportation: Firstly, we correct a clerical error. Our response to this section originally referenced "1.4. Transportation" but should have referenced "4. Transportation." Secondly and to be consistent with discussions at the meeting between the NHSLC and Law on July 19<sup>th</sup>, the second bullet in this section is changed to read that the transportation contractor must agree to the mutually agreed upon schedule between the NHSLC and Law.

On August 10, the EC sent an email to each of the three finalists and rejected all but a few exceptions approved by the AG's Office. We gave each finalist the opportunity to discuss its rejected exceptions with Craig and me. We required them to list the items they wanted to discuss. What I sent earlier today and what I have set out below is that list. In our conversation, I don't think we resolved much.

Law

1.5.4 Assignment Provision, page 8, and Appendix E - Exhibit C, paragraph 27, page 68:  
We believe, as described in your July 27 amendment that these sections will be deleted,

- however they weren't referenced in your latest email, so are seeking confirmation.
- 1.5.7 Liability, page 8: Does this section state that employees of the state and contractors such as Steve Judge and John Bunnell shall incur no personal liability or does this section seek to protect the State of NH and the Liquor Commission from liability? We are not seeking to reserve the right to pursue legal remedies against the state, not against individuals.
  - 1.10.2 Exclusive Contract, page 11: Is the NHSLC seeking to retain the right to use multiple third party vendors or simply the right to keep the Concord warehouse open? RESOLVED
  - 1.13: Property of NHSLC and 1.14 Disclosure, page 12: Please confirm we are able to retain our confidentiality rights.
  - 1.25 Contract Transition Period, page 17: This section states that the NHSLC can require Law to extend at the end of the term for six (6) months at the rates then in effect, which contradicts Appendix E – Exhibit C – Paragraph 26 which states “at the prices to be negotiated by the parties”. RESOLVED
  - 3.0.2 Location of Product, page 19
  - Appendix C, VII-10d Penalties, page 46: We proposed an alternative which was not addressed in your email
  - Appendix E Section 9 Data, page 60
  - Appendix E Section 12 Assignment, page 61
  - Appendix E – Exhibit C – Paragraph 25, page 66
  - Appendix E – Exhibit C – Paragraph 26, page 67 and 3.0.11, page 25: The last paragraph is just worded incorrectly. Net over and shorts are reconciled between the old warehouse and the supplier, not the new warehouse. RESOLVED
  - Appendix E – Exhibit C – Paragraph 27, page 68: Please confirm that since this was removed from our existing contract it won't be part of the new contract and thus isn't an exception to be noted?

\*\*\*\*\*

Stephen J. Judge  
AG Legal Consultant for NHS Liquor Commission  
Wadleigh, Starr & Peters, PLLC  
95 Market Street  
Manchester, New Hampshire 03101  
Tel: 603-669-4140  
Fax: 603-669-6018  
Web: [www.wadleighlaw.com](http://www.wadleighlaw.com)  
E-mail: [sjudge@wadleighlaw.com](mailto:sjudge@wadleighlaw.com)  
E-mail: [stephen.j.judge@liquor.state.nh.us](mailto:stephen.j.judge@liquor.state.nh.us)

Please do not print this email unless necessary

\*\*\*\* CONFIDENTIALITY NOTE \*\*\*\*

NOTICE: This e-mail, including any attachments, is intended for the receipt and use by the intended addressee(s) only, and may contain privileged, confidential, work product and/or trade secrets or other information of a proprietary nature. If you are not an intended recipient

of this e-mail, you are hereby notified that any unauthorized use or distribution of this e-mail, including any attachments, is strictly prohibited.

**From:** [Brian Law](#)  
**To:** [Craig W. Bulkley](#)  
**Subject:** RE: Law Meeting w/ Commissioners  
**Date:** Tuesday, August 21, 2012 2:14:45 PM

---

Confirmed. Please have a phone available so we can call Suzan on her cell.

Thanks - Brian

---

**From:** Craig W. Bulkley [mailto:[cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)]  
**Sent:** Tuesday, August 21, 2012 12:21 PM  
**To:** Brian Law  
**Subject:** RE: Law Meeting w/ Commissioners

Brian:

This will confirm that we have changed the date of this meeting from 8/31 to Thursday, 8/23 at 9 AM.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

---

**From:** Brian Law [mailto:[brianlaw@lawwarehouses.com](mailto:brianlaw@lawwarehouses.com)]  
**Sent:** Tuesday, August 21, 2012 11:12 AM  
**To:** Craig W. Bulkley  
**Subject:** RE: Law Meeting w/ Commissioners

Craig: John Guerette, Jack Glow, Suzan Lehmann and I will be there for 11:00am.

Thanks - Brian

---

**From:** Craig W. Bulkley [mailto:[cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)]  
**Sent:** Monday, August 20, 2012 4:19 PM  
**To:** Brian Law  
**Subject:** Law Meeting w/ Commissioners

Brian:

This will confirm Law Warehouse's meeting with Chairman Joe Mollica and Commissioner Mike Milligan and members of the RFP Evaluation Committee and legal counsel on Friday, 8/31, at 11 AM at the Commission Headquarters at 50 Storrs Street in Concord.

You do not have to review your proposal as the Commissioners are familiar with it. However, this is your opportunity to highlight those items that set you apart from other Vendors. It is also an opportunity for the Commissioners to ask any questions they may have.

We anticipate the meeting will take no longer than an hour or so. Please email me with the participants from Law. Thanks.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
☎ (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
✉ [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Craig W. Bulkley](#)  
**To:** [Joseph W. Mollica](#); [Michael R. Milligan](#); [George P. Tsiopras](#); [John D. Bunnell](#); [Stephen J. Judge](#); "Hastings, Peter"; "Judge, Steve"  
**Cc:** [Anne Bogart](#)  
**Subject:** Law Warehouse Vendor Meeting w/ Commissioners

---

**From:** [Craig W. Bulkley](#)  
**To:** "[Brian Law](#)"  
**Subject:** RE: Law Meeting w/ Commissioners  
**Date:** Tuesday, August 21, 2012 12:21:01 PM

---

Brian:

This will confirm that we have changed the date of this meeting from 8/31 to Thursday, 8/23 at 9 AM.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
☎ (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
✉ [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

---

**From:** Brian Law [<mailto:brianlaw@lawwarehouses.com>]  
**Sent:** Tuesday, August 21, 2012 11:12 AM  
**To:** Craig W. Bulkley  
**Subject:** RE: Law Meeting w/ Commissioners

Craig: John Guerette, Jack Glow, Suzan Lehmann and I will be there for 11:00am.

Thanks - Brian

---

**From:** Craig W. Bulkley [<mailto:cbulkley@liquor.state.nh.us>]  
**Sent:** Monday, August 20, 2012 4:19 PM  
**To:** Brian Law  
**Subject:** Law Meeting w/ Commissioners

Brian:

This will confirm Law Warehouse's meeting with Chairman Joe Mollica and Commissioner Mike Milligan and members of the RFP Evaluation Committee and legal counsel on Friday, 8/31, at 11 AM at the Commission Headquarters at 50 Storrs Street in Concord.

You do not have to review your proposal as the Commissioners are familiar with it. However, this is your opportunity to highlight those items that set you apart from other Vendors. It is also an

opportunity for the Commissioners to ask any questions they may have.

We anticipate the meeting will take no longer than an hour or so. Please email me with the participants from Law. Thanks.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Brian Law](#)  
**To:** [Craig W. Bulkley](#)  
**Subject:** RE: Law Meeting w/ Commissioners  
**Date:** Tuesday, August 21, 2012 11:12:31 AM

---

Craig: John Guerette, Jack Glow, Suzan Lehmann and I will be there for 11:00am.

Thanks - Brian

---

**From:** Craig W. Bulkley [mailto:[cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)]  
**Sent:** Monday, August 20, 2012 4:19 PM  
**To:** Brian Law  
**Subject:** Law Meeting w/ Commissioners

Brian:

This will confirm Law Warehouse's meeting with Chairman Joe Mollica and Commissioner Mike Milligan and members of the RFP Evaluation Committee and legal counsel on Friday, 8/31, at 11 AM at the Commission Headquarters at 50 Storrs Street in Concord.

You do not have to review your proposal as the Commissioners are familiar with it. However, this is your opportunity to highlight those items that set you apart from other Vendors. It is also an opportunity for the Commissioners to ask any questions they may have.

We anticipate the meeting will take no longer than an hour or so. Please email me with the participants from Law. Thanks.

 Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Craig W. Bulkley](#)  
**To:** "[Law, Brian](#)"  
**Subject:** Law Meeting w/ Commissioners  
**Date:** Monday, August 20, 2012 4:19:21 PM

---

Brian:

This will confirm Law Warehouse's meeting with Chairman Joe Mollica and Commissioner Mike Milligan and members of the RFP Evaluation Committee and legal counsel on Friday, 8/31, at 11 AM at the Commission Headquarters at 50 Storrs Street in Concord.

You do not have to review your proposal as the Commissioners are familiar with it. However, this is your opportunity to highlight those items that set you apart from other Vendors. It is also an opportunity for the Commissioners to ask any questions they may have.

We anticipate the meeting will take no longer than an hour or so. Please email me with the participants from Law. Thanks.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Craig W. Bulkley](#)  
**To:** "[Law, Brian](#)"  
**Subject:** Our Email of August 10, 2012 and Law's Response  
**Date:** Monday, August 20, 2012 1:08:18 PM

---

Brian:

We have received the master lease. This is to confirm that there is no outstanding request for information from Law Warehouses, Inc.

We are planning to set up a meeting with the Commissioners, the evaluation committee, our legal counsel, and your team on Friday, August 31<sup>st</sup>. This is an opportunity for a face-to-face discussion between you and the Commissioners regarding information you think will assist them in making an informed decision regarding the Warehouse Services RFP.

I will get back to you soonest with the meeting time.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Brian Law](#)  
**To:** [Craig W. Bulkley](#)  
**Cc:** [Lehmann, Suzan M.](#); [John Guerette](#); [LAW-Jack Glow](#); [Jack Law](#)  
**Subject:** RE: Law - Warehouse Services RFP 2012-14  
**Date:** Wednesday, August 15, 2012 1:49:05 PM

---

Craig: We will call you as we have to coordinate multiple people. What number should we call you and Steve? In response to your request, below is an agenda of the topics we wish to discuss with you during the call:

- Extension of schedule to September 12, 2012 and our Proposal
- Status of evaluation process
- DRED's involvement
- Infrastructure and permitting and related questions posed below

Brian

---

**From:** Craig W. Bulkley [mailto:[cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)]  
**Sent:** Wednesday, August 15, 2012 8:28 AM  
**To:** Brian Law  
**Subject:** RE: Warehouse Services RFP 2012-14

Brian:

We will call you at 1:30 PM tomorrow, Thursday, 8/16. Please send me an agenda regarding the topics you wish to discuss. Also let me know the phone extension. Thanks.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

---

**From:** Brian Law [mailto:[brianlaw@lawwarehouses.com](mailto:brianlaw@lawwarehouses.com)]  
**Sent:** Tuesday, August 14, 2012 3:30 PM  
**To:** Craig W. Bulkley  
**Cc:** Lehmann, Suzan M.; John Guerette; LAW-Jack Glow; Jack Law  
**Subject:** RE: Warehouse Services RFP 2012-14

Craig: Please arrange a conference call between Steve, yourself and my team for late morning or afternoon tomorrow to discuss.

Brian

---

**From:** Craig W. Bulkley [<mailto:cbulkley@liquor.state.nh.us>]  
**Sent:** Tuesday, August 14, 2012 12:01 PM  
**To:** Brian Law  
**Subject:** Warehouse Services RFP 2012-14

Brian:

Pursuant to Section 1.5.3, Page 8 of the Warehouse Services RFP, the NHSLC has the authority to amend the RFP at any time and at its sole discretion. The NHSLC hereby amends Section 1.2, Schedule of Events on Page 5 of the RFP from June 7, 2012 - August 1, 2012 to June 7, 2012 – **September 12, 2012.**

This date is well within the requirement that the proposals remain valid for a period of 210 days from the proposal due date (June 7, 2012). The Evaluation Committee will continue to work as quickly as possible to allow the NHSLC to reach contract award. Vendors may be asked for additional oral and/or written presentations in NHSLC's continuing effort to identify the proposal most advantageous to the State of New Hampshire.

We are arranging a meeting with Michael Bergeron, Business Development Manager, Division of Economic Development, Department of Resources & Economic Development. Neither he nor we will serve as an advocate, however, we will serve as a conduit with local and state agencies to expedite the transition to the facility you have proposed. We will be in contact next week with proposed dates.

Please provide all information you have received concerning infrastructure improvements that may be required in the Town of Seabrook (to include the bridge over I-95). Does the existing permit for the use of the warehouse to store and distribute water also apply to storage and distribution of wine and spirits? Please provide a copy of the permit.

If you have any questions or comments, please direct them via email to me, Craig W. Bulkley, as the issuing officer.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559

✉ [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Craig W. Bulkley](#)  
**To:** ["Brian Law"](#)  
**Subject:** RE: Law - Warehouse Services RFP 2012-14  
**Date:** Wednesday, August 15, 2012 8:28:02 AM

---

Brian:

We will call you at 1:30 PM tomorrow, Thursday, 8/16. Please send me an agenda regarding the topics you wish to discuss. Also let me know the phone extension. Thanks.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

---

**From:** Brian Law [mailto:[brianlaw@lawwarehouses.com](mailto:brianlaw@lawwarehouses.com)]  
**Sent:** Tuesday, August 14, 2012 3:30 PM  
**To:** Craig W. Bulkley  
**Cc:** Lehmann, Suzan M.; John Guerette; LAW-Jack Glow; Jack Law  
**Subject:** RE: Warehouse Services RFP 2012-14

Craig: Please arrange a conference call between Steve, yourself and my team for late morning or afternoon tomorrow to discuss.

Brian

---

**From:** Craig W. Bulkley [mailto:[cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)]  
**Sent:** Tuesday, August 14, 2012 12:01 PM  
**To:** Brian Law  
**Subject:** Warehouse Services RFP 2012-14

Brian:

Pursuant to Section 1.5.3, Page 8 of the Warehouse Services RFP, the NHSLC has the authority to amend the RFP at any time and at its sole discretion.  
The NHSLC hereby amends Section 1.2, Schedule of Events on Page 5 of the RFP from June 7, 2012 - August 1, 2012 to June 7, 2012 – **September 12, 2012.**

This date is well within the requirement that the proposals remain valid for a period of 210 days from the proposal due date (June 7, 2012). The Evaluation Committee will continue to work as quickly as possible to allow the NHSLC to reach contract award. Vendors may be asked for additional oral and/or written presentations in NHSLC's continuing effort to identify the proposal most advantageous to the State of New Hampshire.

We are arranging a meeting with Michael Bergeron, Business Development Manager, Division of Economic Development, Department of Resources & Economic Development. Neither he nor we will serve as an advocate, however, we will serve as a conduit with local and state agencies to expedite the transition to the facility you have proposed. We will be in contact next week with proposed dates.

Please provide all information you have received concerning infrastructure improvements that may be required in the Town of Seabrook (to include the bridge over I-95). Does the existing permit for the use of the warehouse to store and distribute water also apply to storage and distribution of wine and spirits? Please provide a copy of the permit.

If you have any questions or comments, please direct them via email to me, Craig W. Bulkley, as the issuing officer.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Craig W. Bulkley](#)  
**To:** "Law, Brian"  
**Subject:** Law - Warehouse Services RFP 2012-14  
**Date:** Tuesday, August 14, 2012 12:00:43 PM

---

Brian:

Pursuant to Section 1.5.3, Page 8 of the Warehouse Services RFP, the NHSLC has the authority to amend the RFP at any time and at its sole discretion.

The NHSLC hereby amends Section 1.2, Schedule of Events on Page 5 of the RFP from June 7, 2012 - August 1, 2012 to June 7, 2012 – **September 12, 2012.**

This date is well within the requirement that the proposals remain valid for a period of 210 days from the proposal due date (June 7, 2012). The Evaluation Committee will continue to work as quickly as possible to allow the NHSLC to reach contract award. Vendors may be asked for additional oral and/or written presentations in NHSLC's continuing effort to identify the proposal most advantageous to the State of New Hampshire.

We are arranging a meeting with Michael Bergeron, Business Development Manager, Division of Economic Development, Department of Resources & Economic Development. Neither he nor we will serve as an advocate, however, we will serve as a conduit with local and state agencies to expedite the transition to the facility you have proposed. We will be in contact next week with proposed dates.

Please provide all information you have received concerning infrastructure improvements that may be required in the Town of Seabrook (to include the bridge over I-95). Does the existing permit for the use of the warehouse to store and distribute water also apply to storage and distribution of wine and spirits? Please provide a copy of the permit.

If you have any questions or comments, please direct them via email to me, Craig W. Bulkley, as the issuing officer.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination,

forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Brian Law](#)  
**To:** [Craig W. Bulkley](#)  
**Cc:** [Lehmann, Suzan M.](#); [John Guerette](#); [LAW-Jack Glow](#)  
**Subject:** RE: BAFO Follow-Up Errata - Part III  
**Date:** Monday, August 13, 2012 2:35:36 PM

---

Craig: I believe I have provided all the answers you have requested. Should that not be the case, please let me know and I will respond accordingly.

Thanks - Brian

---

**From:** Craig W. Bulkley [mailto:[cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)]  
**Sent:** Monday, August 13, 2012 2:08 PM  
**To:** Brian Law  
**Subject:** BAFO Follow-Up Errata - Part III

Brian:

WE EXTEND THE DEADLINE TO RESPOND TO THE BAFO FOLLOW-UP TO 3 PM TODAY.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Craig W. Bulkley](#)  
**To:** ["Law, Brian"](#)  
**Subject:** Law BAFO Follow-Up Errata - Part III  
**Date:** Monday, August 13, 2012 2:08:24 PM

---

Brian:

WE EXTEND THE DEADLINE TO RESPOND TO THE BAFO FOLLOW-UP TO 3 PM TODAY.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Brian Law](#)  
**To:** [Craig W. Bulkley](#)  
**Subject:** RE: BAFO Follow-Up Errata - Part II  
**Date:** Monday, August 13, 2012 11:15:42 AM

---

Received and understood

---

**From:** Craig W. Bulkley [mailto:[cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)]  
**Sent:** Monday, August 13, 2012 11:13 AM  
**To:** Brian Law  
**Subject:** BAFO Follow-Up Errata - Part II

Brian:

As we described in the first errata this morning, we have attached a draft of the language in the last sub-paragraph of paragraph 26, page 67.

WE EXTEND THE DEADLINE TO RESPOND TO THE BAFO FOLLOW-UP TO 1 PM TODAY.

Please acknowledge receipt.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Craig W. Bulkley](#)  
**To:** ["Law, Brian"](#)  
**Subject:** Law BAFO Follow-Up Errata - Part II  
**Date:** Monday, August 13, 2012 11:13:20 AM  
**Attachments:** [Exhibit C Par 26 - corrected language.docx](#)

---

Brian:

As we described in the first errata this morning, we have attached a draft of the language in the last sub-paragraph of paragraph 26, page 67.

WE EXTEND THE DEADLINE TO RESPOND TO THE BAFO FOLLOW-UP TO 1 PM TODAY.

Please acknowledge receipt.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Brian Law](#)  
**To:** [Craig W. Bulkley](#)  
**Cc:** [John Guerette](#); [LAW-Jack Glow](#); [Lehmann, Suzan M.](#); [Jack Law](#)  
**Subject:** RE: Best & Final Offer Follow-Up  
**Date:** Monday, August 13, 2012 11:08:32 AM

---

Craig:

1. We are not able to reduce our Grand Total. Throughout this process we have strived to provide the lowest possible cost to the NHSLC and its suppliers while providing the revenue necessary to ensure our ability to continue to provide a comprehensive and efficient distribution system.
2. We must retain our exception to the following items:
  - a. Liability (1.5.7)
  - b. Exclusive Contract (1.10.2) & Location of Product (3.0.2): Our Proposal is specifically contingent upon a one warehouse scenario, with the provision that the NHSLC may use the Concord warehouse for NHSLC owned and NH winery product produced in NH.
  - c. Data (App E, Section 9)
  - d. Assignment (App E, Section 12): add "consent will not be unreasonably withheld or delayed".
  - e. Protest Process (1.24 & App E, Exh C, P25)
  - f. Liquidated Damages (App C, VII 10d): Too broad, three scheduled deliveries can be missed by one trailer load being late.

Brian

---

**From:** Craig W. Bulkley [mailto:[cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)]  
**Sent:** Friday, August 10, 2012 2:58 PM  
**To:** Brian Law  
**Subject:** Best & Final Offer Follow-Up

Brian:

The following is the NHSLC's effort to fine tune the proposals in order to identify the proposal(s) that best meet the needs of the State. **Your response is due by noon, Monday, August 13, 2012.**

1. Financial

Using the template from your BAFO, indicate whether you can reduce your Grand Total to \$25,500,000. You may not change any other financial terms. You do not need to recalculate each rate that will support this number.

2. RFP / Standard Contract

We have resolved issues regarding the Transition Bond, the Performance Bond, and IT issues in Appendix K. We understand your proposal regarding Section 1.10.4 – Rate Changes – Page 11 and, during the next phase, Contract Negotiation, are prepared to negotiate that item. We are

also prepared, during that phase, to discuss the requirements in Appendix E, Section 14.3 – Insurance – in regard to the requirement that the insurer provide notice no less than ten days prior to cancellation or modification of the policy.

In consultation with the Office of the Attorney General, the Commission makes the following clarifications. All other exceptions are rejected.

- Section 1.5.2 – Proposal Offer – Page 8, Section 1.22 – Proposal Guarantee – “App C, 3.3” (we can not find this reference). The NHSLC will allow your proposal to be withdrawn with no penalty on August 29, 2012.
- Section 1.9 – Contract Performance Bond – Page 10 – The NHSLC understands that the proposed rates are based on a \$1 million performance bond. If the NHSLC requires a higher bond, the NHSLC will engage in a good-faith negotiation of the proposed rates.
- Section 3.0.2 – Location of Product – Vendor-owned product produced by a vendor with a NH manufacturing license shall be stored at the Concord warehouse
- Appendix E – Exhibit C – Paragraph 14.1.2 and 14.1.3 – Insurance – The NHSLC will allow the equivalent of \$2 million coverage of 100% of acquisition cost for all liquor and wine product owned by the NHSLC for all risks and, fire and extended coverage.
- Appendix E – Paragraph 16 – Waiver of Breach – The phrase “Event of Default” where it occurs in this paragraph is amended to read “Material Breach.”
- Appendix E – Exhibit C – Paragraph 26 – In sub-paragraph 4, (which begins “All costs associated...” ) strike the phrase “...as provided in Paragraph 8.”

You may discuss these clarifications and your rejected exceptions by telephone with Steve Judge and Craig Bulkley at 9:00 AM, Monday, August 13, 2012. If you wish to have a discussion, at least ½ hour prior to that time, please provide us with a contact phone number and email Mr. Bulkley a list of the sections of the RFP that you wish to discuss including the page numbers. This will be an opportunity for you to understand why the Commission has made this decision. It is not an opportunity to argue about the wisdom of the Commission’s decision.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
☎ (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
✉ [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by

telephone at (603)230-7008.

**From:** [John Guerette](#)  
**To:** [Stephen J. Judge](#); [Craig W. Bulkley](#)  
**Cc:** [Brian Law](#); [LAW-Jack Glow](#); [Lehmann, Suzan M.](#)  
**Subject:** Overage and Shortages  
**Date:** Monday, August 13, 2012 10:25:12 AM  
**Attachments:** [Exhibit C. Par 26 - corrected language.docx](#)

---

Steve and Craig – Attached is a suggestion for resolving the last paragraph of Exhibit C, Section 26. I took the wording from the RFP and made the changes necessary to correctly reflect the parties and intent of resolving overages and shortages. See if this clarifies what we were trying to communicate.

If you have any questions, feel free to call me directly. If you get my voicemail, press zero and ask to have me paged.

John

*John M. Guerette*  
Controller

Law Warehouses, Inc.  
27 Airport Road  
Nashua, NH 03063  
603.883.5531 x302

**From:** [Craig W. Bulkley](#)  
**To:** "[Law, Brian](#)"  
**Subject:** Law BAFO Follow-Up Errata  
**Date:** Monday, August 13, 2012 10:07:09 AM

---

Brian:

In Section 1 of the BAFO Follow-Up email, we asked whether you can reduce your grand total to \$25.5 million. That is the number the NHSLC wants to see, however, if you can not make that reduction, provide us with the lowest possible number that you can provide.

In the document dated August 10, 2012 we inserted a list of sections that have been clarified. The following should have been included in the list:

- The NHSLC is willing to allow a vendor to take an exception to Section 1.5.4 of the RFP, Page 8, Assignment Provision. In the event of an exception, the section will be deleted. The same option is available for Appendix E, Exhibit C, Paragraph 27, Page 68 of the RFP, Assignment Provision. There is no requirement that an exception be taken.

We also want to clarify the rate structure for the contract transition period contained in Paragraph 1.25, RFP, Page 17 and Appendix E, Exhibit C, Paragraph 26, Page 67. Paragraph 1.25 is modified to be consistent with Paragraph 26, Page 67, the rates for the contract transition period will be "at prices to be negotiated by the parties."

We are also considering a modification of Exhibit E, Appendix C, Paragraph 26, Page 67, the last paragraph, to clear up how net overages and shortages will be determined.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Brian Law](#)  
**To:** [Craig W. Bulkley](#)  
**Cc:** "[Lehmann, Suzan M.](#)"; [John Guerette](#); [Brian Law](#); [LAW-Jack Glow](#); [Jack Law](#)  
**Subject:** RE: Best & Final Offer Follow-Up  
**Date:** Friday, August 10, 2012 4:58:45 PM

---

Craig: We wish to discuss these clarifications and our rejected exceptions Monday morning at 9:00am. We wish to discuss the following sections of the RFP:

- 1.5.4 Assignment Provision, page 8, and Appendix E - Exhibit C, paragraph 27, page 68: We believe, as described in your July 27 amendment that these sections will be deleted, however they weren't referenced in your latest email, so are seeking confirmation.
- 1.5.7 Liability, page 8: Does this section state that employees of the state and contractors such as Steve Judge and John Bunnell shall incur no personal liability or does this section seek to protect the State of NH and the Liquor Commission from liability? We are not seeking to reserve the right to pursue legal remedies against the state, not against individuals.
- 1.10.2 Exclusive Contract, page 11: Is the NHSLC seeking to retain the right to use multiple third party vendors or simply the right to keep the Concord warehouse open?
- 1.13: Property of NHSLC and 1.14 Disclosure, page 12: Please confirm we are able to retain our confidentiality rights.
- 1.25 Contract Transition Period, page 17: This section states that the NHSLC can require Law to extend at the end of the term for six (6) months at the rates then in effect, which contradicts Appendix E – Exhibit C – Paragraph 26 which states “at the prices to be negotiated by the parties”.
- 3.0.2 Location of Product, page 19
- Appendix C, VII-10d Penalties, page 46: We proposed an alternative which was not addressed in your email
- Appendix E Section 9 Data, page 60
- Appendix E Section 12 Assignment, page 61
- Appendix E – Exhibit C – Paragraph 25, page 66
- Appendix E – Exhibit C – Paragraph 26, page 67 and 3.0.11, page 25: The last paragraph is just worded incorrectly. Net over and shorts are reconciled between the old warehouse and the supplier, not the new warehouse.
- Appendix E – Exhibit C – Paragraph 27, page 68: Please confirm that since this was removed from our existing contract it won't be part of the new contract and thus isn't an exception to be noted?

Please contact us at 603-883-5531 x328. For some reason should you not get through on that extension, please dial 0 for the operator.

Brian

---

**From:** Craig W. Bulkley [mailto:[cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)]  
**Sent:** Friday, August 10, 2012 2:58 PM  
**To:** Brian Law  
**Subject:** Best & Final Offer Follow-Up

Brian:

The following is the NHSLC's effort to fine tune the proposals in order to identify the proposal(s) that best meet the needs of the State. **Your response is due by noon, Monday, August 13, 2012.**

1. Financial

Using the template from your BAFO, indicate whether you can reduce your Grand Total to \$25,500,000. You may not change any other financial terms. You do not need to recalculate each rate that will support this number.

2. RFP / Standard Contract

We have resolved issues regarding the Transition Bond, the Performance Bond, and IT issues in Appendix K. We understand your proposal regarding Section 1.10.4 – Rate Changes – Page 11 and, during the next phase, Contract Negotiation, are prepared to negotiate that item. We are also prepared, during that phase, to discuss the requirements in Appendix E, Section 14.3 – Insurance – in regard to the requirement that the insurer provide notice no less than ten days prior to cancellation or modification of the policy.

In consultation with the Office of the Attorney General, the Commission makes the following clarifications. All other exceptions are rejected.

- Section 1.5.2 – Proposal Offer – Page 8, Section 1.22 – Proposal Guarantee – “App C, 3.3” (we can not find this reference). The NHSLC will allow your proposal to be withdrawn with no penalty on August 29, 2012.
- Section 1.9 – Contract Performance Bond – Page 10 – The NHSLC understands that the proposed rates are based on a \$1 million performance bond. If the NHSLC requires a higher bond, the NHSLC will engage in a good-faith negotiation of the proposed rates.
- Section 3.0.2 – Location of Product – Vendor-owned product produced by a vendor with a NH manufacturing license shall be stored at the Concord warehouse
- Appendix E – Exhibit C – Paragraph 14.1.2 and 14.1.3 – Insurance – The NHSLC will allow the equivalent of \$2 million coverage of 100% of acquisition cost for all liquor and wine product owned by the NHSLC for all risks and, fire and extended coverage.
- Appendix E – Paragraph 16 – Waiver of Breach – The phrase “Event of Default” where it occurs in this paragraph is amended to read “Material Breach.”
- Appendix E – Exhibit C – Paragraph 26 – In sub-paragraph 4, (which begins “All costs associated...”) strike the phrase “...as provided in Paragraph 8.”

You may discuss these clarifications and your rejected exceptions by telephone with Steve Judge and Craig Bulkley at 9:00 AM, Monday, August 13, 2012. If you wish to have a discussion, at least ½ hour prior to that time, please provide us with a contact phone number and email Mr. Bulkley a list of the sections of the RFP that you wish to discuss including the page numbers. This will be an opportunity for you to understand why the Commission has made this decision. It is not an opportunity to argue about the wisdom of the Commission's decision.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
☎ (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
✉ [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Craig W. Bulkley](#)  
**To:** ["Law, Brian"](#)  
**Subject:** Law - Best & Final Offer Follow-Up  
**Date:** Friday, August 10, 2012 2:58:00 PM

---

Brian:

The following is the NHSLC's effort to fine tune the proposals in order to identify the proposal(s) that best meet the needs of the State. **Your response is due by noon, Monday, August 13, 2012.**

1. Financial

Using the template from your BAFO, indicate whether you can reduce your Grand Total to \$25,500,000. You may not change any other financial terms. You do not need to recalculate each rate that will support this number.

2. RFP / Standard Contract

We have resolved issues regarding the Transition Bond, the Performance Bond, and IT issues in Appendix K. We understand your proposal regarding Section 1.10.4 – Rate Changes – Page 11 and, during the next phase, Contract Negotiation, are prepared to negotiate that item. We are also prepared, during that phase, to discuss the requirements in Appendix E, Section 14.3 – Insurance – in regard to the requirement that the insurer provide notice no less than ten days prior to cancellation or modification of the policy.

In consultation with the Office of the Attorney General, the Commission makes the following clarifications. All other exceptions are rejected.

- Section 1.5.2 – Proposal Offer – Page 8, Section 1.22 – Proposal Guarantee – “App C, 3.3” (we can not find this reference). The NHSLC will allow your proposal to be withdrawn with no penalty on August 29, 2012.
- Section 1.9 – Contract Performance Bond – Page 10 – The NHSLC understands that the proposed rates are based on a \$1 million performance bond. If the NHSLC requires a higher bond, the NHSLC will engage in a good-faith negotiation of the proposed rates.
- Section 3.0.2 – Location of Product – Vendor-owned product produced by a vendor with a NH manufacturing license shall be stored at the Concord warehouse
- Appendix E – Exhibit C – Paragraph 14.1.2 and 14.1.3 – Insurance – The NHSLC will allow the equivalent of \$2 million coverage of 100% of acquisition cost for all liquor and wine product owned by the NHSLC for all risks and, fire and extended coverage.
- Appendix E – Paragraph 16 – Waiver of Breach – The phrase “Event of Default” where it occurs in this paragraph is amended to read “Material Breach.”
- Appendix E – Exhibit C – Paragraph 26 – In sub-paragraph 4, (which begins “All costs associated...”) strike the phrase “...as provided in Paragraph 8.”

You may discuss these clarifications and your rejected exceptions by telephone with Steve Judge

and Craig Bulkley at 9:00 AM, Monday, August 13, 2012. If you wish to have a discussion, at least ½ hour prior to that time, please provide us with a contact phone number and email Mr. Bulkley a list of the sections of the RFP that you wish to discuss including the page numbers. This will be an opportunity for you to understand why the Commission has made this decision. It is not an opportunity to argue about the wisdom of the Commission's decision.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Craig W. Bulkley](#)  
**To:** "[Law, Brian](#)"  
**Subject:** Law - BAFO Follow-Up  
**Date:** Friday, August 10, 2012 1:15:29 PM

---

Brian:

You will be receiving an email from me this afternoon with a BAFO follow-up. Please anticipate its arrival.

**Your response will be due by noon on Monday, August 13, 2012.**



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Stephen J. Judge](#)  
**To:** ["John Guerette"](#)  
**Cc:** ["Lehmann, Suzan M."](#); [Craig W. Bulkley](#); ["Brian Law"](#)  
**Subject:** RE: 7/19 follow up  
**Date:** Friday, August 10, 2012 1:07:02 PM

---

John,

Thank you for your response. I was having a heck of a time finding 1.4. Steve

---

**From:** John Guerette [mailto:[johnguerette@lawwarehouses.com](mailto:johnguerette@lawwarehouses.com)]  
**Sent:** Friday, August 10, 2012 12:38 PM  
**To:** Stephen J. Judge  
**Cc:** Lehmann, Suzan M.; Craig W. Bulkley; Brian Law  
**Subject:** RE: 7/19 follow up

Steve - Following are answers to your questions and some additional clarifications.

Question 1: The refrigeration issue was first sent as part of the BAFO. Information needed to answer your request regarding refrigeration was not available until shortly before our BAFO was submitted and, thus, it was included in that response.

Question 2: After Brian's review of the communications during his absence and in response to Craig's email dated July 31, 2012, a complete list of exceptions was prepared. Yes, this is a more exhaustive list than was presented by John and supersedes that original list.

Clarifications:

3.0.4 Receiving: This section was restated in the exceptions list; however, we recognize that receiving (especially which bar code is most appropriate to implement to meet the automation, growth and cycle requirements of the future) needs to be worked out between the NHSLC and Law.

3.11 Appendix K: Anything relating to this section was discussed in a conference call yesterday and is being addressed in a separate email thread with Craig Bulkley.

Section VII General Requirements - 4. Transportation: Firstly, we correct a clerical error. Our response to this section originally referenced "1.4. Transportation" but should have referenced "4. Transportation." Secondly and to be consistent with discussions at the meeting between the NHSLC and Law on July 19<sup>th</sup>, the second bullet in this section is changed to read that the transportation contractor must agree to the mutually agreed upon schedule between the NHSLC and Law.

John

John M. Guerette

603.883.5531 x302

-----Original Message-----

From: Stephen J. Judge [<mailto:stephen.j.judge@liquor.state.nh.us>]  
Sent: Thursday, August 09, 2012 5:03 PM  
To: John Guerette  
Cc: Lehmann, Suzan M.; Craig W. Bulkley; Brian Law  
Subject: RE: 7/19 follow up

John,

I promised to let you know if we have questions or comments to your 7/26 email. I have one comment and two questions.

Comment: Your description of RFP p. 67 paragraph 26 is accurate. The "defaulted contractor" is an entity that is awarded the long term contract and, because it has defaulted, is responsible for costs of transition.

Question: You were going to provide information regarding the refrigeration issue. I see what is in the BAFO. I want to be sure that this is the first time it has been sent. Did you provide a response after your July 26, email?

Question: Attached to the July 26 document was a list of exceptions (attached above). I understood that list to be exhaustive. The BAFO contains a list which is beyond the 7/26 list. It also takes exceptions to items that had the exception withdrawn. For example, on 7/26, 1.14.b was described as "understood." It now appears to be an exception. At this point, I don't know which document to use. Can you give me some guidance?

Steve

-----Original Message-----

From: John Guerette [<mailto:johnguerette@lawwarehouses.com>]  
Sent: Thursday, July 26, 2012 2:17 PM  
To: Stephen J. Judge  
Cc: Lehmann, Suzan M.; Craig W. Bulkley; Brian Law  
Subject: RE: 7/19 follow up

Steve - I have provided responses to your revised items list below. Please review and, if anything is seems unclear or not accurate, let me know.

We look forward to working through any concerns that you have. It is still our intent to create the best distribution solution possible for the NHSLC, Suppliers/Brokers and Law and for NH to be a showpiece that other states will want to emulate.

John

John M. Guerette  
603.883.5531 x302

-----  
From: Stephen J. Judge [<mailto:stephen.j.judge@liquor.state.nh.us>]

Sent: Friday, July 20, 2012 3:31 PM  
To: John Guerette  
Cc: Lehmann, Suzan M.; Craig W. Bulkley; Brian Law  
Subject: 7/19 follow up

Dear John,

Thank you again for meeting with the EC yesterday. Craig is out today and he asked me to follow up on some of the issues we discussed yesterday. As you understand, we are trying to move with all deliberate speed. Your timely response will help us. Please Reply to All and future communications will come from Craig.

This inquiry is a request to clarify and expound upon information provided in the written proposal. RFP section 4.5.

Please confirm that the following items which were "required" in your proposal are "critical" to your solution but negotiable:

1. The use of the PA. code, which has been rejected by the NHSLC but some other alternative may be negotiated,[John Guerette] Law understands that the NHSLC is responsible for the codes and code systems to be used and we look forward to working with the Commission to define the appropriate label format that provides the bar code needed to properly track products while addressing the needs of suppliers. Please understand that any potential subcontractor seeking to add automation into the process will need to implement some type of bar code that identifies products to the level requested in RFP 2012-14. Law believes that use of the PA-type code label with the SCC bar code would meet these needs and would be the least burdensome and most cost effective for the suppliers; however, we welcome the opportunity to work with the State and explore other options to meet our requirement of a bar code capable of tracking lots and move toward implementation of that system into the next contract.

2. Sunday delivery, delivery needs to be expanded through negotiations, [John Guerette] Law understands and has agreed elsewhere in our response that the delivery schedule will be mutually agreed. In our attempt to minimize overall costs and provide a greater return to the State, Law believes that it is imperative to move beyond the current five-day delivery schedule in order to meet the State's growing concern about and inability to handle such large deliveries on certain days, especially during holiday weeks. We will continue to work with the State to achieve a mutually agreed delivery schedule that satisfies the needs of the State, reduces costs and provides the maximum cost-savings/revenue-sharing to the State of NH. and

3. Co-mingling "other inventories" which, again, may be negotiated.[John Guerette] Law understands and seeks to negotiate with the NHSLC the co-mingling of product on deliveries. This has been negotiated in the past and Law seeks to continue with this practice. We understand that we are ultimately liable and responsible for the safe delivery of product to State stores and that it must arrive unblemished by other products.

Please provide a copy of the Master Lease in order for us to determine the viability of the Seabrook option.[John Guerette] Permission to release this document has been requested.

Please provide an explanation of the lease extension, specifically the interplay of the "Monthly Deferral Payments," the Base Rent, the "Deferred Additional Rent," and the "Deferred Rent." [John Guerette] The lease extension was discussed between Steve Judge and John Guerette on July 23, 2012. No additional information has been requested and this issue has been closed.

Please clarify and expound upon your proposal regarding RFP App C, VII, 10 d. liquidated damages for poor performance. [John Guerette] Law recognizes that the State is looking for a quantitative remedy for missed deliveries due to Contractor's inability to have product ready to ship on a timely basis. Law suggests that liquidated damages of \$250 be substituted for "up to \$10,000" and that the performance measure be three consecutive days. We believe that a reasonable cure period (e.g., 30-days) can be mutually agreed upon and that if warehouse cannot cure the delivery delays that liquidated damages should increase to \$500 with another reasonable cure period. We look forward to working with the NHSLC to reach an acceptable arrangement regarding this section.

Please clarify and expound upon your proposal regarding RFP section 3.0.4, refrigerated space. The RFP requirement is approximately 5,000 square feet at about 55 degrees with flexibility and the ability of the Vendor to charge a premium. [John Guerette] Final information is expected this week to complete this response.

You have confirmed that the Excel spreadsheet provided to you on July 17 is correct. Please also confirm that there are no variables that will change the rates for the first 30 months. [John Guerette] Regarding the Excel spreadsheet, yes, we believe the quantity and rate information is accurate. Note, however, that the savings to the NHSLC increases rapidly in subsequent 30-month periods and we encourage you to look at these future savings as well. Regarding variables, based on the speed with which the Evaluation Committee is moving on the RFP, we believe that such concerns have been mitigated. Law is not aware of any variables that could pose a significant effect on costs and, therefore, on our proposed rates.

Please include me as a state agent in 1.13 and 1.14 of your proposal. [John Guerette] After last week's discussion, it was agreed that Steve Judge be named specifically in these sections and that "state agents" be deleted.

Please clarify and expound on why the NHSLC should be liable for the preparation of your proposal. Indicate whether you are seeking agreement that a court may award the cost of proposal presentation if the NHSLC is found liable for some other component of the process. The same request is made regarding contract negotiation. [John Guerette] Law understands that the RFP does not require the NHSLC, in the ordinary course, to reimburse the bidders for expenses they incurred in connection with their participation in the RFP process. Law simply seeks to retain and doesn't waive its rights to pursue available legal remedies and recovery of any damages legally available to Law should such a need arise.

Please identify with specificity every provision in the RFP you intend to negotiate, including Appendix E as modified by Exhibit C. [John Guerette] See attached response. Please note that the attached document identifies provisions in the RFP to which we took exception in our proposal, and addresses in detail our current position on each of these provisions, including: (a) our retraction of some of the

exceptions, (b) identification of the provisions to which we and the NHSLC have reached agreement, and (c) further discussion regarding any remaining requests for clarifications or modification.

I understand your requests to modify Appendix E in regard to paragraph 9. Data, Paragraph 12. Assignments, Paragraph 13. Indemnification, and paragraph 27 Assignment of antitrust actions. You need not provide any further explication.[John Guerette] Understood.

While this description is not exhaustive, in answering this request, I draw your attention to RFP p. 65 paragraph 7.3 which is a reservation of rights to pursue any remedies as well as paragraph 8. Why are you requesting more in Section IV page 11 paragraph 25? [John Guerette] Law does not take exception to RFP pg 65, paragraph 7.3.

I draw your attention to RFP p. 67 paragraph 26 which provides for a negotiation of rates for a transition period. It also provides for costs being imposed on a "defaulted Vendor." If not defaulted, the NHSLC bears the cost. What is your objection?[John Guerette] Please confirm our understanding of section 26 (specifically the fourth paragraph). We understand that if another vendor is selected to perform the warehouse services after the expiration of the long term contract, the NHSLC will bear all costs associated with transferring product from the existing warehouses to the new warehouse. The "defaulted contractor" means the contractor who is awarded the long term contract as a result of this RFP. Such "defaulted contractor" will be responsible for such costs only in the event that the "defaulted contractor" were to default on the long term contract during its term and a need arises to transfer product to another warehouse. If this understanding is not accurate, please clarify this provision, including what is meant by "defaulted contractor," and we will promptly provide a follow up response.

As stated at the meeting, the fewer objections, the less time needs to be spent in contract negotiation.

Note that this email is not an indication, one way or another, regarding whether you will be recommended by the EC.

Thank You.

Steve

\*\*\*\*\*

Stephen J. Judge

AG Legal Consultant for NHS Liquor Commission Wadleigh, Starr & Peters, PLLC

95 Market Street

Manchester, New Hampshire 03101

Tel: 603-669-4140

Fax: 603-669-6018

Web: [www.wadleighlaw.com](http://www.wadleighlaw.com)

E-mail: [sjudge@wadleighlaw.com](mailto:sjudge@wadleighlaw.com)<<mailto:sjudge@wadleighlaw.com>>

E-mail:

[stephen.j.judge@liquor.state.nh.us](mailto:stephen.j.judge@liquor.state.nh.us)<<mailto:stephen.j.judge@liquor.state.nh.us>

h.us>

Please do not print this email unless necessary

\*\*\*\* CONFIDENTIALITY NOTE \*\*\*\*

NOTICE: This e-mail, including any attachments, is intended for the receipt and use by the intended addressee(s) only, and may contain privileged, confidential, work product and/or trade secrets or other information of a proprietary nature. If you are not an intended recipient of this e-mail, you are hereby notified that any unauthorized use or distribution of this e-mail, including any attachments, is strictly prohibited.

**From:** [Craig W. Bulkley](#)  
**To:** ["Law, Brian"](#)  
**Subject:** Law - Best & Final Offers  
**Date:** Friday, August 10, 2012 12:14:03 PM

---

You may recall that you received an email from me on 8/2/12 at 1:53 PM stating:

“Due to some confusion over the time that your BAFO is due, we are informing you that the BAFO will be due by 4 PM on Friday, August 3, 2012.”

This is to inform you that the deadline has been extended to 7 PM, Friday, August 3, 2012



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Brian Law](#)  
**To:** [Craig W. Bulkley](#)  
**Cc:** [Lehmann, Suzan M.](#); [John Guerette](#); [LAW-Jack Glow](#); [Jeff Malone](#)  
**Subject:** RE: Further Clarification  
**Date:** Friday, August 10, 2012 11:30:18 AM

---

Craig: I think we're on the same page, just trying to find the proper language to explain ourselves.

We agree and appreciate that the NHSLC believes we need to be an integral part of the NextGen project and we agree that changes before, during and after need to be done as a team.

We confirm that we will bear our costs associate with our systems being integrated into the new NHSLC environment provided they aren't new systems or processes which fall outside the current model, examples of which were provided.

We understand that the NHSLC will be moving to more automated electronic communications and that we will bear our costs associated with modernizing and maintaining the NHSLC's business model provided they aren't new business models, examples of which were provided.

Maybe it's time to lay out the specific contract language you are looking to implement as that is where the fine details will ultimately be decided. Following our phone conversation yesterday with you and Peter, we believe we are all on the same page, it's just how the words get printed on that page.

We will respond to Steve's email shortly.

Brian

---

**From:** Craig W. Bulkley [mailto:[cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)]  
**Sent:** Friday, August 10, 2012 9:26 AM  
**To:** Brian Law  
**Subject:** Further Clarification

Brian:

You make the statement in your email below: "This includes our costs to upgrade our systems to maintain the current business model while the NHSLC undertakes the NextGen project."

We need to be in agreement that Law, if chosen, will be an integral part of the NextGen project team to support the development, testing and production roll out, so that our systems work in concert with one another.

This means that changes before, during or after will need to be done as a team. In short we need you to confirm that you will bear the incurred costs associated with your systems being integrated into the NHSLC environment.

As to your concern over the comment of “future communications,” this was a reference to the NextGen project and as discussed is not a new business model, but the subject of our conference call when it was discussed that our systems will move from a file transfer to a more automated electronic communications.

P.S. We are waiting for a response to Steve Judge’s email sent to you at 5:03 PM yesterday.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
☎ (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
✉ [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Brian Law](#)  
**To:** [Craig W. Bulkley](#)  
**Subject:** RE: Further Clarification  
**Date:** Friday, August 10, 2012 11:05:04 AM

---

Reviewing Steve's email now. Will get back to you on both emails shortly

---

**From:** Craig W. Bulkley [mailto:[cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)]  
**Sent:** Friday, August 10, 2012 9:26 AM  
**To:** Brian Law  
**Subject:** Further Clarification

Brian:

You make the statement in your email below: "This includes our costs to upgrade our systems to maintain the current business model while the NHSLC undertakes the NextGen project."

We need to be in agreement that Law, if chosen, will be an integral part of the NextGen project team to support the development, testing and production roll out, so that our systems work in concert with one another.

This means that changes before, during or after will need to be done as a team. In short we need you to confirm that you will bear the incurred costs associated with your systems being integrated into the NHSLC environment.

As to your concern over the comment of "future communications," this was a reference to the NextGen project and as discussed is not a new business model, but the subject of our conference call when it was discussed that our systems will move from a file transfer to a more automated electronic communications.

P.S. We are waiting for a response to Steve Judge's email sent to you at 5:03 PM yesterday.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by

telephone at (603)230-7008.

**From:** [Craig W. Bulkley](#)  
**To:** "[Law, Brian](#)"  
**Subject:** Law - Further Clarification  
**Date:** Friday, August 10, 2012 9:26:17 AM

---

Brian:

You make the statement in your email below: "This includes our costs to upgrade our systems to maintain the current business model while the NHSLC undertakes the NextGen project."

We need to be in agreement that Law, if chosen, will be an integral part of the NextGen project team to support the development, testing and production roll out, so that our systems work in concert with one another.

This means that changes before, during or after will need to be done as a team. In short we need you to confirm that you will bear the incurred costs associated with your systems being integrated into the NHSLC environment.

As to your concern over the comment of "future communications," this was a reference to the NextGen project and as discussed is not a new business model, but the subject of our conference call when it was discussed that our systems will move from a file transfer to a more automated electronic communications.

P.S. We are waiting for a response to Steve Judge's email sent to you at 5:03 PM yesterday.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Stephen J. Judge](#)  
**To:** ["John Guerette"](#)  
**Cc:** ["Lehmann, Suzan M."](#); [Craig W. Bulkley](#); ["Brian Law"](#)  
**Subject:** RE: 7/19 follow up - Law  
**Date:** Thursday, August 09, 2012 5:02:44 PM  
**Attachments:** [Response to S Judge email re negotiable items, 07.25.12.docx](#)

---

John,

I promised to let you know if we have questions or comments to your 7/26 email. I have one comment and two questions.

Comment: Your description of RFP p. 67 paragraph 26 is accurate. The "defaulted contractor" is an entity that is awarded the long term contract and, because it has defaulted, is responsible for costs of transition.

Question: You were going to provide information regarding the refrigeration issue. I see what is in the BAFO. I want to be sure that this is the first time it has been sent. Did you provide a response after your July 26, email?

Question: Attached to the July 26 document was a list of exceptions (attached above). I understood that list to be exhaustive. The BAFO contains a list which is beyond the 7/26 list. It also takes exceptions to items that had the exception withdrawn. For example, on 7/26, 1.14.b was described as "understood." It now appears to be an exception. At this point, I don't know which document to use. Can you give me some guidance?

Steve

-----Original Message-----

From: John Guerette [<mailto:johnguerette@lawwarehouses.com>]  
Sent: Thursday, July 26, 2012 2:17 PM  
To: Stephen J. Judge  
Cc: Lehmann, Suzan M.; Craig W. Bulkley; Brian Law  
Subject: RE: 7/19 follow up

Steve – I have provided responses to your revised items list below. Please review and, if anything is seems unclear or not accurate, let me know.

We look forward to working through any concerns that you have. It is still our intent to create the best distribution solution possible for the NHSLC, Suppliers/Brokers and Law and for NH to be a showpiece that other states will want to emulate.

John

John M. Guerette  
603.883.5531 x302

-----  
From: Stephen J. Judge [<mailto:stephen.j.judge@liquor.state.nh.us>]  
Sent: Friday, July 20, 2012 3:31 PM  
To: John Guerette  
Cc: Lehmann, Suzan M.; Craig W. Bulkley; Brian Law  
Subject: 7/19 follow up

Dear John,

Thank you again for meeting with the EC yesterday. Craig is out today and he asked me to follow up on some of the issues we discussed yesterday. As you understand, we are trying to move with all

deliberate speed. Your timely response will help us. Please Reply to All and future communications will come from Craig.

This inquiry is a request to clarify and expound upon information provided in the written proposal. RFP section 4.5.

Please confirm that the following items which were "required" in your proposal are "critical" to your solution but negotiable:

1. The use of the PA. code, which has been rejected by the NHSLC but some other alternative may be negotiated.[John Guerette] Law understands that the NHSLC is responsible for the codes and code systems to be used and we look forward to working with the Commission to define the appropriate label format that provides the bar code needed to properly track products while addressing the needs of suppliers. Please understand that any potential subcontractor seeking to add automation into the process will need to implement some type of bar code that identifies products to the level requested in RFP 2012-14. Law believes that use of the PA-type code label with the SCC bar code would meet these needs and would be the least burdensome and most cost effective for the suppliers; however, we welcome the opportunity to work with the State and explore other options to meet our requirement of a bar code capable of tracking lots and move toward implementation of that system into the next contract.
2. Sunday delivery, delivery needs to be expanded through negotiations, [John Guerette] Law understands and has agreed elsewhere in our response that the delivery schedule will be mutually agreed. In our attempt to minimize overall costs and provide a greater return to the State, Law believes that it is imperative to move beyond the current five-day delivery schedule in order to meet the State's growing concern about and inability to handle such large deliveries on certain days, especially during holiday weeks. We will continue to work with the State to achieve a mutually agreed delivery schedule that satisfies the needs of the State, reduces costs and provides the maximum cost-savings/revenue-sharing to the State of NH. and
3. Co-mingling "other inventories" which, again, may be negotiated.[John Guerette] Law understands and seeks to negotiate with the NHSLC the co-mingling of product on deliveries. This has been negotiated in the past and Law seeks to continue with this practice. We understand that we are ultimately liable and responsible for the safe delivery of product to State stores and that it must arrive unblemished by other products.

Please provide a copy of the Master Lease in order for us to determine the viability of the Seabrook option.[John Guerette] Permission to release this document has been requested.

Please provide an explanation of the lease extension, specifically the interplay of the "Monthly Deferral Payments," the Base Rent, the "Deferred Additional Rent," and the "Deferred Rent." [John Guerette] The lease extension was discussed between Steve Judge and John Guerette on July 23, 2012. No additional information has been requested and this issue has been closed.

Please clarify and expound upon your proposal regarding RFP App C, VII, 10 d. liquidated damages for poor performance.[John Guerette] Law recognizes that the State is looking for a quantitative remedy for missed deliveries due to Contractor's inability to have product ready to ship on a timely basis. Law suggests that liquidated damages of \$250 be substituted for "up to \$10,000" and that the performance measure be three consecutive days. We believe that a reasonable cure period (e.g., 30-days) can be mutually agreed upon and that if warehouse cannot cure the delivery delays that liquidated damages should increase to \$500 with another reasonable cure period. We look forward to working with the NHSLC to reach an acceptable arrangement regarding this section.

Please clarify and expound upon your proposal regarding RFP section 3.0.4, refrigerated space. The RFP requirement is approximately 5,000 square feet at about 55 degrees with flexibility and the ability of the Vendor to charge a premium.[John Guerette] Final information is expected this week to complete this response.

You have confirmed that the Excel spreadsheet provided to you on July 17 is correct. Please also confirm that there are no variables that will change the rates for the first 30 months.[John Guerette]

Regarding the Excel spreadsheet, yes, we believe the quantity and rate information is accurate. Note, however, that the savings to the NHSLC increases rapidly in subsequent 30-month periods and we encourage you to look at these future savings as well. Regarding variables, based on the speed with which the Evaluation Committee is moving on the RFP, we believe that such concerns have been mitigated. Law is not aware of any variables that could pose a significant effect on costs and, therefore, on our proposed rates.

Please include me as a state agent in 1.13 and 1.14 of your proposal.[John Guerette] After last week's discussion, it was agreed that Steve Judge be named specifically in these sections and that "state agents" be deleted.

Please clarify and expound on why the NHSLC should be liable for the preparation of your proposal. Indicate whether you are seeking agreement that a court may award the cost of proposal presentation if the NHSLC is found liable for some other component of the process. The same request is made regarding contract negotiation. [John Guerette] Law understands that the RFP does not require the NHSLC, in the ordinary course, to reimburse the bidders for expenses they incurred in connection with their participation in the RFP process. Law simply seeks to retain and doesn't waive its rights to pursue available legal remedies and recovery of any damages legally available to Law should such a need arise.

Please identify with specificity every provision in the RFP you intend to negotiate, including Appendix E as modified by Exhibit C. [John Guerette] See attached response. Please note that the attached document identifies provisions in the RFP to which we took exception in our proposal, and addresses in detail our current position on each of these provisions, including: (a) our retraction of some of the exceptions, (b) identification of the provisions to which we and the NHSLC have reached agreement, and (c) further discussion regarding any remaining requests for clarifications or modification.

I understand your requests to modify Appendix E in regard to paragraph 9. Data, Paragraph 12. Assignments, Paragraph 13. Indemnification, and paragraph 27 Assignment of antitrust actions. You need not provide any further explication.[John Guerette] Understood.

While this description is not exhaustive, in answering this request, I draw your attention to RFP p. 65 paragraph 7.3 which is a reservation of rights to pursue any remedies as well as paragraph 8. Why are you requesting more in Section IV page 11 paragraph 25? [John Guerette] Law does not take exception to RFP pg 65, paragraph 7.3.

I draw your attention to RFP p. 67 paragraph 26 which provides for a negotiation of rates for a transition period. It also provides for costs being imposed on a "defaulted Vendor." If not defaulted, the NHSLC bears the cost. What is your objection?[John Guerette] Please confirm our understanding of section 26 (specifically the fourth paragraph). We understand that if another vendor is selected to perform the warehouse services after the expiration of the long term contract, the NHSLC will bear all costs associated with transferring product from the existing warehouses to the new warehouse. The "defaulted contractor" means the contractor who is awarded the long term contract as a result of this RFP. Such "defaulted contractor" will be responsible for such costs only in the event that the "defaulted contractor" were to default on the long term contract during its term and a need arises to transfer product to another warehouse. If this understanding is not accurate, please clarify this provision, including what is meant by "defaulted contractor," and we will promptly provide a follow up response.

As stated at the meeting, the fewer objections, the less time needs to be spent in contract negotiation. Note that this email is not an indication, one way or another, regarding whether you will be recommended by the EC.

Thank You.  
Steve

\*\*\*\*\*

Stephen J. Judge  
AG Legal Consultant for NHS Liquor Commission Wadleigh, Starr & Peters, PLLC  
95 Market Street  
Manchester, New Hampshire 03101

Tel: 603-669-4140

Fax: 603-669-6018

Web: [www.wadleighlaw.com](http://www.wadleighlaw.com)

E-mail: [sjudge@wadleighlaw.com](mailto:sjudge@wadleighlaw.com)<<mailto:sjudge@wadleighlaw.com>>

E-mail: [stephen.j.judge@liquor.state.nh.us](mailto:stephen.j.judge@liquor.state.nh.us)<<mailto:stephen.j.judge@liquor.state.nh.us>>

Please do not print this email unless necessary

\*\*\*\* CONFIDENTIALITY NOTE \*\*\*\*

NOTICE: This e-mail, including any attachments, is intended for the receipt and use by the intended addressee(s) only, and may contain privileged, confidential, work product and/or trade secrets or other information of a proprietary nature. If you are not an intended recipient of this e-mail, you are hereby notified that any unauthorized use or distribution of this e-mail, including any attachments, is strictly prohibited.

**From:** [Brian Law](#)  
**To:** [Craig W. Bulkley](#)  
**Cc:** [John Guerette](#); [LAW-Jack Glow](#); [Lehmann, Suzan M.](#); [Jeff Malone](#); [Jack Law](#); [Hastings, Peter](#)  
**Subject:** RE: Law - Clarification of Your Response to Current & Future Data Requirements  
**Date:** Thursday, August 09, 2012 4:18:48 PM

---

Craig: we confirm that we will be responsible for our costs to upgrade and/or modify our existing systems to maintain the current business model. This includes our costs to upgrade our systems to maintain the current business model while the NHSLC undertakes the NextGen project. However, you added the phrase "future communications". We agree to be responsible for our costs, without negotiation, for future communications provided they aren't new communications systems or processes which fall outside the current business model.

As we discussed and agreed earlier today, new "systems, environments, or processes", such as the Appendix K language regarding live access to databases mentioned earlier, are an example of what is outside the scope of the current environment and would be subject to negotiation and cost sharing between Law and the NHSLC. In addition, we agree with your example that a new system that would require new functionality would also be subject to negotiation and cost sharing between Law and the NHSLC.

We are going into this contract with the perspective that the NHSLC is going to upgrade it's systems within in the current business model in a way that will improve all processes. We encourage that and expect it to be a positive outcome and we confirm that we will be responsible for our own costs in that regard. However, as we've indicated, new processes have been mentioned in Appendix K that have yet to be adequately defined, such as live access into our databases by the ordering software and live perpetual access by suppliers and brokers. As agreed earlier today, these would be subject to negotiation and cost sharing between Law and the NHSLC.

Brian

---

**From:** Craig W. Bulkley [mailto:[cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)]  
**Sent:** Thursday, August 09, 2012 3:46 PM  
**To:** Brian Law  
**Cc:** John Guerette; Jack Glow; Lehmann, Suzan M.; Jeff Malone; Jack Law; Hastings, Peter  
**Subject:** RE: Law - Clarification of Your Response to Current & Future Data Requirements

Brian:

Do you agree that the reference in your email to "new systems" means any new systems that are outside the current business process. To be specific, you will be responsible for your costs regarding upgrades, modifications or modernizations to the current business model. These upgrades, etc. are described as within the scope of the current environment. Examples of within the scope of the current environment would be the NextGen project that modernizes the NHSLC's existing business environment. You will be responsible for your costs for maintenance, upgrades, and modernization in order to maintain present and future communications with the NHSLC.

An example of what is outside the scope of the current environment would be a new system that would require new functionality that is not currently being done.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
☎ (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
✉ [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

---

**From:** Brian Law [mailto:[brianlaw@lawwarehouses.com](mailto:brianlaw@lawwarehouses.com)]  
**Sent:** Thursday, August 09, 2012 10:50 AM  
**To:** Craig W. Bulkley  
**Cc:** Brian Law; John Guerette; LAW-Jack Glow; Lehmann, Suzan M.; Jeff Malone; Jack Law  
**Subject:** RE: Law - Clarification of Your Response to Current & Future Data Requirements

Craig: Following up and consistent with our conference call this morning in regards to the question posed below, Law agrees that it is responsible for its costs associated with the maintenance, upgrade and modernization of Law's existing systems. Consistent with our discussion with Peter, any proposed new systems, environments and or processes will be subject to negotiation and cost sharing between Law and the NHSLC.

Brian

---

**From:** Craig W. Bulkley [mailto:[cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)]  
**Sent:** Wednesday, August 08, 2012 3:30 PM  
**To:** Brian Law  
**Subject:** Clarification of Your Response to Current & Future Data Requirments

Brian:

The Evaluation Committee has reviewed your response to the current & future data requirements. We want to make sure that you understood our question and that we understand your answer.

Put succinctly, the NHSLC will not agree to be responsible for any costs the vendor incurs to make modifications and updates to its environment to stay current with the NHSLC's future system. We have one observation and, at least, one concern. Our new system will use open data formats. Therefore, a Vendor should use a system that will also use open data formats. If that is the case, a Vendor should readily agree to be responsible for its costs.

We agree that we have always worked together. We agree that we can reach a resolution. Our concern is that the system you have identified will not use open data formats and you have not clearly agreed to be responsible for the costs to stay current with our future system. You can choose to provide whatever system will work now, but if that system will incur costs in the future, you must agree to bear those costs.

We, therefore ask again:

Please confirm that you will be responsible for your costs to make modifications and updates to your environment to stay current with the future system.

Peter Hastings, a member of our evaluation committee, would like the opportunity to speak by phone at 10 AM tomorrow with your IT manager, Jeff Malone (or anyone you feel is in the best position to discuss this issue). Peter will initiate the call.

***Please respond by within one hour of the end of the call between Peter and Jeff. Thank you.***



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Craig W. Bulkley](#)  
**To:** "Brian Law"  
**Cc:** "John Guerette"; LAW-Jack Glow; "Lehmann, Suzan M."; "Jeff Malone"; "Jack Law"; "Hastings, Peter"  
**Subject:** RE: Law - Clarification of Your Response to Current & Future Data Requirements  
**Date:** Thursday, August 09, 2012 3:46:07 PM

---

Brian:

Do you agree that the reference in your email to "new systems" means any new systems that are outside the current business process. To be specific, you will be responsible for your costs regarding upgrades, modifications or modernizations to the current business model. These upgrades, etc. are described as within the scope of the current environment. Examples of within the scope of the current environment would be the NextGen project that modernizes the NHSLC's existing business environment. You will be responsible for your costs for maintenance, upgrades, and modernization in order to maintain present and future communications with the NHSLC.

An example of what is outside the scope of the current environment would be a new system that would require new functionality that is not currently being done.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
☎ (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
✉ [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

---

**From:** Brian Law [mailto:[brianlaw@lawwarehouses.com](mailto:brianlaw@lawwarehouses.com)]  
**Sent:** Thursday, August 09, 2012 10:50 AM  
**To:** Craig W. Bulkley  
**Cc:** Brian Law; John Guerette; LAW-Jack Glow; Lehmann, Suzan M.; Jeff Malone; Jack Law  
**Subject:** RE: Law - Clarification of Your Response to Current & Future Data Requirements

Craig: Following up and consistent with our conference call this morning in regards to the question posed below, Law agrees that it is responsible for its costs associated with the maintenance, upgrade and modernization of Law's existing systems. Consistent with our discussion with Peter, any proposed new systems, environments and or processes will be subject to negotiation and cost sharing between Law and the NHSLC.

Brian

---

**From:** Craig W. Bulkley [<mailto:cbulkley@liquor.state.nh.us>]  
**Sent:** Wednesday, August 08, 2012 3:30 PM  
**To:** Brian Law  
**Subject:** Clarification of Your Response to Current & Future Data Requirments

Brian:

The Evaluation Committee has reviewed your response to the current & future data requirements. We want to make sure that you understood our question and that we understand your answer.

Put succinctly, the NHSLC will not agree to be responsible for any costs the vendor incurs to make modifications and updates to its environment to stay current with the NHSLC's future system. We have one observation and, at least, one concern. Our new system will use open data formats. Therefore, a Vendor should use a system that will also use open data formats. If that is the case, a Vendor should readily agree to be responsible for its costs.

We agree that we have always worked together. We agree that we can reach a resolution. Our concern is that the system you have identified will not use open data formats and you have not clearly agreed to be responsible for the costs to stay current with our future system. You can choose to provide whatever system will work now, but if that system will incur costs in the future, you must agree to bear those costs.

We, therefore ask again:

Please confirm that you will be responsible for your costs to make modifications and updates to your environment to stay current with the future system.

Peter Hastings, a member of our evaluation committee, would like the opportunity to speak by phone at 10 AM tomorrow with your IT manager, Jeff Malone (or anyone you feel is in the best position to discuss this issue). Peter will initiate the call.

***Please respond by within one hour of the end of the call between Peter and Jeff. Thank you.***



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
☎ (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
✉ [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the

individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Brian Law](#)  
**To:** [Craig W. Bulkley](#)  
**Cc:** [Brian Law](#); [John Guerette](#); [LAW-Jack Glow](#); [Lehmann, Suzan M.](#); [Jeff Malone](#); [Jack Law](#)  
**Subject:** RE: Law - Clarification of Your Response to Current & Future Data Requirements  
**Date:** Thursday, August 09, 2012 10:50:34 AM

---

Craig: Following up and consistent with our conference call this morning in regards to the question posed below, Law agrees that it is responsible for its costs associated with the maintenance, upgrade and modernization of Law's existing systems. Consistent with our discussion with Peter, any proposed new systems, environments and or processes will be subject to negotiation and cost sharing between Law and the NHSLC.

Brian

---

**From:** Craig W. Bulkley [mailto:[cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)]  
**Sent:** Wednesday, August 08, 2012 3:30 PM  
**To:** Brian Law  
**Subject:** Clarification of Your Response to Current & Future Data Requirments

Brian:

The Evaluation Committee has reviewed your response to the current & future data requirements. We want to make sure that you understood our question and that we understand your answer.

Put succinctly, the NHSLC will not agree to be responsible for any costs the vendor incurs to make modifications and updates to its environment to stay current with the NHSLC's future system. We have one observation and, at least, one concern. Our new system will use open data formats. Therefore, a Vendor should use a system that will also use open data formats. If that is the case, a Vendor should readily agree to be responsible for its costs.

We agree that we have always worked together. We agree that we can reach a resolution. Our concern is that the system you have identified will not use open data formats and you have not clearly agreed to be responsible for the costs to stay current with our future system. You can choose to provide whatever system will work now, but if that system will incur costs in the future, you must agree to bear those costs.

We, therefore ask again:

Please confirm that you will be responsible for your costs to make modifications and updates to your environment to stay current with the future system.

Peter Hastings, a member of our evaluation committee, would like the opportunity to speak by phone at 10 AM tomorrow with your IT manager, Jeff Malone (or anyone you feel is in the best position to discuss this issue). Peter will initiate the call.

***Please respond by within one hour of the end of the call between Peter and Jeff. Thank you.***



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
☎ (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
✉ [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Craig W. Bulkley](#)  
**To:** "Brian Law"  
**Subject:** RE: Transition Bond BAFO Clarification - Law  
**Date:** Thursday, August 09, 2012 7:43:48 AM

---

received



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

---

**From:** Brian Law [mailto:[brianlaw@lawwarehouses.com](mailto:brianlaw@lawwarehouses.com)]  
**Sent:** Wednesday, August 08, 2012 4:45 PM  
**To:** Craig W. Bulkley  
**Cc:** Lehmann, Suzan M.; John Guerette; LAW-Jack Glow  
**Subject:** RE: Transition Bond BAFO Clarification - Law

Should we be selected as the winning bidder we confirm that we will be responsible for the costs of a reasonable transition bond should one be necessary.

---

**From:** Craig W. Bulkley [mailto:[cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)]  
**Sent:** Wednesday, August 08, 2012 4:31 PM  
**To:** Brian Law  
**Subject:** Transition Bond BAFO Clarification

The BAFO asked you to confirm that you will provide a transition bond for the completion of all necessary items to make the facility fully operational on or before October 31, 2013. This bond will cover any and all costs related to the transition from the contract in force on October 31, 2013 to the new contract because the successful vendor is unable to perform duties under the contract as of November 1, 2013 (April 18,2012 Clarifications and Amendments, p. 1.)

The commission anticipates that the amount will be arrived at by mutual agreement. If there is no agreement, the commission may move on to a different vendor.

***So that there is no misunderstanding, please confirm that you will be responsible for the costs of a reasonable transition bond.***

***Please provide your response by 10 AM, Thursday August 9, 2012.***



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Craig W. Bulkley](#)  
**To:** "[Brian Law](#)"  
**Subject:** RE: RFP Process - Law  
**Date:** Thursday, August 09, 2012 7:40:28 AM

---

Brian – we have posted the RFP amendment on our website that changes the schedule of events to August 17, 2012. This information is now public, so you can share.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
☎ (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
✉ [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

---

**From:** Brian Law [mailto:[brianlaw@lawwarehouses.com](mailto:brianlaw@lawwarehouses.com)]  
**Sent:** Wednesday, August 08, 2012 4:52 PM  
**To:** Craig W. Bulkley  
**Cc:** Lehmann, Suzan M.  
**Subject:** RE: RFP Process

---

**From:** Brian Law  
**Sent:** Wednesday, August 08, 2012 1:39 PM  
**To:** 'Craig W. Bulkley'  
**Cc:** 'Lehmann, Suzan M.'  
**Subject:** RE: RFP Process

Craig: May I share this with my employees? They are all so nervous and waiting for Friday with so much anticipation that I am very concerned that no award this week will send everyone into a tailspin. By showing them this email they will better understand that when I don't tell them anything it doesn't mean good or bad news, it's means it's going to take more time.

Thank you

Brian

---

**From:** Craig W. Bulkley [mailto:[cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)]

**Sent:** Wednesday, August 08, 2012 1:20 PM  
**To:** Brian Law  
**Subject:** RFP Process

Brian:

The Evaluation Committee has received BAFOs. Thank you for your cooperation. There may be some follow up questions today or tomorrow. If so, the time allowed to respond will be quite tight.

The Evaluation Committee will submit a recommendation to the commissioners. The commissioners have a great deal of discretion (RFP 4.6 p. 35). It is expected that the commissioners will select one or more Vendor(s) for contract negotiation (RFP 4.6.1 p. 35). The selected Vendor(s) will be notified in writing by email. Contract negotiations may begin as soon as Friday of this week. Notice may not be received until Thursday late afternoon.

These times are approximate. Do not read anything into a lack of a receipt of notice. This is particularly true because the noticed Vendor(s) may not reach agreement with the NHSLC in which case negotiations will shift to another Vendor, including a Vendor who did not receive an initial notice.

Once a contract has been successfully negotiated, the Vendor will be notified and the contract will be executed at a public meeting of the NHSLC. The original RFP set August 1, 2012 as the date for contract award. That date has been extended to August 10, 2012. It is likely that there will be another short extension.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Craig W. Bulkley](#)  
**To:** "Brian Law"  
**Subject:** RE: Clarification of Your Response to Current & Future Data Requirements - Law  
**Date:** Thursday, August 09, 2012 7:37:42 AM

---

Brian – Peter, Steve and I will be in on the call at 10 AM.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

---

**From:** Brian Law [mailto:[brianlaw@lawwarehouses.com](mailto:brianlaw@lawwarehouses.com)]  
**Sent:** Wednesday, August 08, 2012 4:49 PM  
**To:** Craig W. Bulkley  
**Cc:** John Guerette; Jeff Malone; LAW-Jack Glow; Lehmann, Suzan M.  
**Subject:** RE: Clarification of Your Response to Current & Future Data Requirements

Please have Peter call the conference room at 883-5531 x328. Please confirm that you and Steve Judge will be on the call as well.

Brian

---

**From:** Craig W. Bulkley [mailto:[cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)]  
**Sent:** Wednesday, August 08, 2012 3:30 PM  
**To:** Brian Law  
**Subject:** Clarification of Your Response to Current & Future Data Requirments

Brian:

The Evaluation Committee has reviewed your response to the current & future data requirements. We want to make sure that you understood our question and that we understand your answer.

Put succinctly, the NHSLC will not agree to be responsible for any costs the vendor incurs to make modifications and updates to its environment to stay current with the NHSLC's future system. We have one observation and, at least, one concern. Our new system will use open data formats.

Therefore, a Vendor should use a system that will also use open data formats. If that is the case, a Vendor should readily agree to be responsible for its costs.

We agree that we have always worked together. We agree that we can reach a resolution. Our concern is that the system you have identified will not use open data formats and you have not clearly agreed to be responsible for the costs to stay current with our future system. You can choose to provide whatever system will work now, but if that system will incur costs in the future, you must agree to bear those costs.

We, therefore ask again:

Please confirm that you will be responsible for your costs to make modifications and updates to your environment to stay current with the future system.

Peter Hastings, a member of our evaluation committee, would like the opportunity to speak by phone at 10 AM tomorrow with your IT manager, Jeff Malone (or anyone you feel is in the best position to discuss this issue). Peter will initiate the call.

***Please respond by within one hour of the end of the call between Peter and Jeff. Thank you.***



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Craig W. Bulkley](#)  
**To:** [George P. Tsiopras](#); [John D. Bunnell](#); "[Hastings, Peter](#)"; [Stephen J. Judge](#); "[Judge, Steve](#)"  
**Subject:** FW: Transition Bond BAFO Clarification - Law  
**Date:** Thursday, August 09, 2012 7:36:33 AM

---



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

---

**From:** Brian Law [mailto:[brianlaw@lawwarehouses.com](mailto:brianlaw@lawwarehouses.com)]  
**Sent:** Wednesday, August 08, 2012 4:45 PM  
**To:** Craig W. Bulkley  
**Cc:** Lehmann, Suzan M.; John Guerette; LAW-Jack Glow  
**Subject:** RE: Transition Bond BAFO Clarification

Should we be selected as the winning bidder we confirm that we will be responsible for the costs of a reasonable transition bond should one be necessary.

---

**From:** Craig W. Bulkley [mailto:[cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)]  
**Sent:** Wednesday, August 08, 2012 4:31 PM  
**To:** Brian Law  
**Subject:** Transition Bond BAFO Clarification

The BAFO asked you to confirm that you will provide a transition bond for the completion of all necessary items to make the facility fully operational on or before October 31, 2013. This bond will cover any and all costs related to the transition from the contract in force on October 31, 2013 to the new contract because the successful vendor is unable to perform duties under the contract as of November 1, 2013 (April 18,2012 Clarifications and Amendments, p. 1.)

The commission anticipates that the amount will be arrived at by mutual agreement. If there is no agreement, the commission may move on to a different vendor.

***So that there is no misunderstanding, please confirm that you will be responsible for the costs of a reasonable transition bond.***

***Please provide your response by 10 AM, Thursday August 9, 2012.***



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Brian Law](#)  
**To:** [Craig W. Bulkley](#)  
**Cc:** [John Guerette](#); [Jeff Malone](#); [LAW-Jack Glow](#); [Lehmann, Suzan M.](#)  
**Subject:** RE: Clarification of Your Response to Current & Future Data Requirements  
**Date:** Wednesday, August 08, 2012 4:48:51 PM

---

Please have Peter call the conference room at 883-5531 x328. Please confirm that you and Steve Judge will be on the call as well.

Brian

---

**From:** Craig W. Bulkley [mailto:[cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)]  
**Sent:** Wednesday, August 08, 2012 3:30 PM  
**To:** Brian Law  
**Subject:** Clarification of Your Response to Current & Future Data Requirments

Brian:

The Evaluation Committee has reviewed your response to the current & future data requirements. We want to make sure that you understood our question and that we understand your answer.

Put succinctly, the NHSLC will not agree to be responsible for any costs the vendor incurs to make modifications and updates to its environment to stay current with the NHSLC's future system. We have one observation and, at least, one concern. Our new system will use open data formats. Therefore, a Vendor should use a system that will also use open data formats. If that is the case, a Vendor should readily agree to be responsible for its costs.

We agree that we have always worked together. We agree that we can reach a resolution. Our concern is that the system you have identified will not use open data formats and you have not clearly agreed to be responsible for the costs to stay current with our future system. You can choose to provide whatever system will work now, but if that system will incur costs in the future, you must agree to bear those costs.

We, therefore ask again:

Please confirm that you will be responsible for your costs to make modifications and updates to your environment to stay current with the future system.

Peter Hastings, a member of our evaluation committee, would like the opportunity to speak by phone at 10 AM tomorrow with your IT manager, Jeff Malone (or anyone you feel is in the best position to discuss this issue). Peter will initiate the call.

***Please respond by within one hour of the end of the call between Peter and Jeff. Thank you.***

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission

 (603) 230-7008

FAX (603) 271-3897

Cell: (603) 490-1559

 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Brian Law](#)  
**To:** [Craig W. Bulkley](#)  
**Cc:** [Lehmann, Suzan M.](#); [John Guerette](#); [LAW-Jack Glow](#)  
**Subject:** RE: Transition Bond BAFO Clarification - Law  
**Date:** Wednesday, August 08, 2012 4:45:14 PM

---

Should we be selected as the winning bidder we confirm that we will be responsible for the costs of a reasonable transition bond should one be necessary.

---

**From:** Craig W. Bulkley [mailto:[cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)]  
**Sent:** Wednesday, August 08, 2012 4:31 PM  
**To:** Brian Law  
**Subject:** Transition Bond BAFO Clarification

The BAFO asked you to confirm that you will provide a transition bond for the completion of all necessary items to make the facility fully operational on or before October 31, 2013. This bond will cover any and all costs related to the transition from the contract in force on October 31, 2013 to the new contract because the successful vendor is unable to perform duties under the contract as of November 1, 2013 (April 18,2012 Clarifications and Amendments, p. 1.)

The commission anticipates that the amount will be arrived at by mutual agreement. If there is no agreement, the commission may move on to a different vendor.

***So that there is no misunderstanding, please confirm that you will be responsible for the costs of a reasonable transition bond.***

***Please provide your response by 10 AM, Thursday August 9, 2012.***

 Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Craig W. Bulkley](#)  
**To:** ["Law, Brian"](#)  
**Subject:** Law - Transition Bond BAFO Clarification  
**Date:** Wednesday, August 08, 2012 4:30:31 PM

---

The BAFO asked you to confirm that you will provide a transition bond for the completion of all necessary items to make the facility fully operational on or before October 31, 2013. This bond will cover any and all costs related to the transition from the contract in force on October 31, 2013 to the new contract because the successful vendor is unable to perform duties under the contract as of November 1, 2013 (April 18, 2012 Clarifications and Amendments, p. 1.)

The commission anticipates that the amount will be arrived at by mutual agreement. If there is no agreement, the commission may move on to a different vendor.

***So that there is no misunderstanding, please confirm that you will be responsible for the costs of a reasonable transition bond.***

***Please provide your response by 10 AM, Thursday August 9, 2012.***



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Craig W. Bulkley](#)  
**To:** "Law, Brian"  
**Subject:** Law - Warehouse RFP Schedule of Events Amendment  
**Date:** Wednesday, August 08, 2012 4:22:44 PM

---

You will note on our website that the Schedule of Events on Page 5 has been amended so as to end on August 17, 2012.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Craig W. Bulkley](#)  
**To:** "Law, Brian"  
**Subject:** Law - Clarification of Your Response to Current & Future Data Requirements  
**Date:** Wednesday, August 08, 2012 3:29:58 PM

---

Brian:

The Evaluation Committee has reviewed your response to the current & future data requirements. We want to make sure that you understood our question and that we understand your answer.

Put succinctly, the NHSLC will not agree to be responsible for any costs the vendor incurs to make modifications and updates to its environment to stay current with the NHSLC's future system. We have one observation and, at least, one concern. Our new system will use open data formats. Therefore, a Vendor should use a system that will also use open data formats. If that is the case, a Vendor should readily agree to be responsible for its costs.

We agree that we have always worked together. We agree that we can reach a resolution. Our concern is that the system you have identified will not use open data formats and you have not clearly agreed to be responsible for the costs to stay current with our future system. You can choose to provide whatever system will work now, but if that system will incur costs in the future, you must agree to bear those costs.

We, therefore ask again:

Please confirm that you will be responsible for your costs to make modifications and updates to your environment to stay current with the future system.

Peter Hastings, a member of our evaluation committee, would like the opportunity to speak by phone at 10 AM tomorrow with your IT manager, Jeff Malone (or anyone you feel is in the best position to discuss this issue). Peter will initiate the call.

***Please respond by within one hour of the end of the call between Peter and Jeff. Thank you.***



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the

individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Brian Law](#)  
**To:** [Craig W. Bulkley](#)  
**Cc:** [Lehmann, Suzan M.](#)  
**Subject:** RE: RFP Process  
**Date:** Wednesday, August 08, 2012 1:39:26 PM

---

Craig: May I share this with my employees? They are all so nervous and waiting for Friday with so much anticipation that I am very concerned that no award this week will send everyone into a tailspin. By showing them this email they will better understand that when I don't tell them anything it doesn't mean good or bad news, it's means it's going to take more time.

Thank you

Brian

---

**From:** Craig W. Bulkley [mailto:[cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)]  
**Sent:** Wednesday, August 08, 2012 1:20 PM  
**To:** Brian Law  
**Subject:** RFP Process

Brian:

The Evaluation Committee has received BAFOs. Thank you for your cooperation. There may be some follow up questions today or tomorrow. If so, the time allowed to respond will be quite tight.

The Evaluation Committee will submit a recommendation to the commissioners. The commissioners have a great deal of discretion (RFP 4.6 p. 35). It is expected that the commissioners will select one or more Vendor(s) for contract negotiation (RFP 4.6.1 p. 35). The selected Vendor(s) will be notified in writing by email. Contract negotiations may begin as soon as Friday of this week. Notice may not be received until Thursday late afternoon.

These times are approximate. Do not read anything into a lack of a receipt of notice. This is particularly true because the noticed Vendor(s) may not reach agreement with the NHSLC in which case negotiations will shift to another Vendor, including a Vendor who did not receive an initial notice.

Once a contract has been successfully negotiated, the Vendor will be notified and the contract will be executed at a public meeting of the NHSLC. The original RFP set August 1, 2012 as the date for contract award. That date has been extended to August 10, 2012. It is likely that there will be another short extension.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration

NH State Liquor Commission

 (603) 230-7008

FAX (603) 271-3897

Cell: (603) 490-1559

 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Craig W. Bulkley](#)  
**To:** ["Law, Brian"](#)  
**Subject:** RFP Process - Law  
**Date:** Wednesday, August 08, 2012 1:20:02 PM

---

Brian:

The Evaluation Committee has received BAFOs. Thank you for your cooperation. There may be some follow up questions today or tomorrow. If so, the time allowed to respond will be quite tight.

The Evaluation Committee will submit a recommendation to the commissioners. The commissioners have a great deal of discretion (RFP 4.6 p. 35). It is expected that the commissioners will select one or more Vendor(s) for contract negotiation (RFP 4.6.1 p. 35). The selected Vendor(s) will be notified in writing by email. Contract negotiations may begin as soon as Friday of this week. Notice may not be received until Thursday late afternoon.

These times are approximate. Do not read anything into a lack of a receipt of notice. This is particularly true because the noticed Vendor(s) may not reach agreement with the NHSLC in which case negotiations will shift to another Vendor, including a Vendor who did not receive an initial notice.

Once a contract has been successfully negotiated, the Vendor will be notified and the contract will be executed at a public meeting of the NHSLC. The original RFP set August 1, 2012 as the date for contract award. That date has been extended to August 10, 2012. It is likely that there will be another short extension.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Brian Law](#)  
**To:** [Craig W. Bulkley](#)  
**Subject:** RE: Law BAFO  
**Date:** Monday, August 06, 2012 9:23:23 AM

---

No – I don't know how that's happening since I thought I replied to your email. I guess I forwarded it and started typing your name and that email came up first.

Sorry – Thanks for looking - Brian

---

**From:** Craig W. Bulkley [mailto:[cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)]  
**Sent:** Monday, August 06, 2012 7:48 AM  
**To:** Brian Law  
**Subject:** BAFO

Received your BAFO; do you realize you sent it to my home email? I wondered where it was on Friday afternoon – until I got home and read my email.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Craig Bulkley](#)  
**To:** [Craig W. Bulkley](#)  
**Subject:** FW: Law Best & Final Offer  
**Date:** Saturday, August 04, 2012 3:53:26 PM  
**Attachments:** [Response to C. Bulkley 2012-07-31 BAFO email.docx](#)

---

---

**From:** Brian Law [mailto:brianlaw@lawwarehouses.com]  
**Sent:** Friday, August 03, 2012 2:07 PM  
**To:** Craig W. Bulkley (cbulkley@myfairpoint.net)  
**Cc:** John Guerette; Jack Glow; Lehmann, Suzan M.  
**Subject:** FW: Best & Final Offer

Dear Craig: We have responded at the end of each item below. Should you have any questions please feel free to contact me.

---

**From:** Craig W. Bulkley [mailto:cbulkley@liquor.state.nh.us]  
**Sent:** Tuesday, July 31, 2012 3:44 PM  
**To:** Brian Law  
**Subject:** Best & Final Offer

Dear Brian:

As you were previously informed, the NHSLC Commissioners have selected you to participate in the Best and Final Offer (BAFO) phase of the RFP. The Evaluation Committee is authorized to enter into pre-selection discussions (RFP Section 4.7 a. 1. p. 36). This phase will begin with a written request. **This request may be the only opportunity to improve your proposal.** You may revise your proposal as a result of this request (RFP page 36).

We must receive written answers by **Friday, August 3, 2012.**

You are encouraged to review your entire proposal and improve it to the advantage of the State. There are several areas on which we are specifically focused in order to identify the Proposal that is the most advantageous to the State of New Hampshire.

I. Financial

This issue is highlighted in the Vendor pricing and Innovation Criterion, an area valued at 40 points. The desired end result is that Product will be available in a timely manner and in the necessary amount at every state store and for every Licensee. RFP p. 34. It is also a portion of the Vendor Overall Solution criterion in the requirement that the solution be, among other things, cost effective.

***Using the template reviewed at your Phase II presentation, please provide your lowest possible rates. [Law] Throughout this process we have strived to***

provide the lowest possible combined cost to the NHSLC and its suppliers while providing the revenue necessary to ensure we remain a viable company. Other than the change we made to the storage charge for refrigerated product as part of our reply to Steve Judge's July email request our pricing remains unchanged.

***Please confirm that those rates will not change for the first 30 months of the contract. [Law] Confirmed***

***If possible, please submit an alternative rate structure that provides for rates over the entire twenty-year contract. [Law] We do not believe this is in the best interest of either Law or the NHSLC and as such choose not to provide this alternative rate structure.***

***Please confirm that the twenty-year rates will not change. [Law] n/a***

## II. Transition

This issue is highlighted in the Vendor Experience & Qualifications/Transition Criterion, an area valued at 20 points. It is also a portion of the Vendor Overall Solution in the requirement that the Vendor demonstrate suitable financial strength, stability and capacity to undertake a sophisticated and capital intensive Warehouse operation with a very high degree of performance and in a timely manner.

***Please confirm that the facility in your proposal and the solution for providing all services required by the RFP will be fully operational on or before October 31, 2013. [Law] Confirmed***

***Please confirm the identity of those individuals who will be located in New Hampshire during the construction of or transition to the proposed facility (Appendix C, III, p. 43). [Law] All. (Specific key employees include Brian Law, President; John Guerette, Controller; Jack Glow, Operations Manager; Karen Wallington, Customer Service Manager; Jeff Malone, IT Manager; Julie McMahon, HR Manager; Chriss Carrier, Senior Accountant)***

***If you have constructed or transitioned to a facility similar to the facility in your proposal please identify the project and provide contact information for your client (Appendix C, II, page 43 of the RFP). [Law] We have transitioned product between the Nashua and Concord warehouses throughout our relationship without delay to the shipping of product to State stores and licensees.***

The RFP requires a separate transition bond to cover any and all costs related to the transition. (RFP Section, 1.9, p. 10 as clarified by the April 18, 2012 clarifications).

***Please confirm that you will provide a transition bond for completion of all necessary items to make the facility fully operational on or before October 31, 2013. [Law] Confirmed – we currently have a bond in place which will remain***

**during the transition to make the Seabrook facility fully operational.**

The amount of the bond will be discussed with any Vendor that is selected for contract negotiations.

### III Contract performance bond

A contract performance bond is required by Section 1.9, page 11 of the RFP. \$1,000,000 was provided as an example of the amount of the contract performance bond. The amount of the bond will be discussed with any vendor that is selected for contract negotiations. **[Law] Understood**

### IV. Final Contract

The General Criterion provides for a review of whether the Vendor's exceptions to the RFP are acceptable to the NHSLC. Section 1.19 provides for cancellation of selection for contract award based on a failure to reach agreement on contractual terms, etc. The NHSLC wants to move as quickly as possible to contract award. To that end, a rather full description of the final contract is set out below. The current short-term warehouse services contract is attached to this email. Because it is a short-term contract, the State agreed to certain terms that it may not agree to in a long-term contract. The point is that the fewer exceptions that have been taken to either the RFP or the standard state contract, the more quickly a final document can be executed.

The Standard State Contract is contained in Exhibit E of the RFP. It is more frequently identified as Form P-37 and we will refer to it as such throughout this item but it is the same document that is contained in RFP Exhibit E. The P-37 cannot be changed on its face. At the end of this process, a P-37 will be signed by the parties. It will contain Exhibits A-F.

If you look at Paragraph 2 of the P-37, you will see that Exhibit A is required to contain a particular description of the work to be performed by the Vendor. Exhibit A will incorporate by reference the RFP and the Proposal. The fewer exceptions taken to the RFP, the easier it will be to craft Exhibit A.

Paragraph 5 of the P-37 requires Exhibit B to describe the method of payment and terms of payment. It will incorporate the template that best suits the needs of the NHSLC. [This template will be contained in Exhibit F.]

Paragraph 22 of the P-37 allows changes to the P-37 if they are set forth in Exhibit C. That is why Appendix E in the RFP is modified by Exhibit C. Perhaps our effort to be consistent with the final product has caused more confusion than clarity.

Other documents required by the RFP will be part of the contract such as certificates of insurance, the transition bond, the performance bond, a certificate of vote, a certificate of good standing, and a warehouse license.

Exhibit D will be the RFP with all amendments and clarifications.

Exhibit E will be the winning proposal.

Exhibit F will be the price template.

***Even if you have done so before, please identify and explain every exception that you intend to take.*** [Law] The enclosed document summarizes our exceptions to the RFP.

V Performance of contract

Any Vendor selected for contract discussions will be required to submit to a standard background check performed by Liberty Screening Services, LTD. A sample form is attached. The background check will be performed for all the individuals who will participate in the transition phase as well as the first 30 months of operation. It will also be performed for parent organizations, if you are a new entity.

***Please confirm that you and your employees will submit to the background check*** [Law] We take exception to the broad language, the scope of the employees included, and to the form provided; however we are willing to work with the NHSLC to develop a process which protects the privacy of our employees while addressing the needs of the NHSLC.

Appendix C, III. P. 43 of the RFP requested the physical location of each person during the time they will be working on the project.

***Please confirm the identity of the persons who will be located in New Hampshire to run the proposed facility for the first 30 months.*** [Law] Our response to Item II above provides the names of our current key personnel.

The Vendor is required to identify a redundant warehouse site in the event of natural or man-made disasters (RFP APP C XIII, P.48)

***Please identify your redundant warehouse site.*** [Law] Our existing Nashua IT and storage facilities will remain.

If you have any questions regarding this email, please contact me. Thank you.

P Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
(603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
\* [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may

contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Craig W. Bulkley](#)  
**To:** ["Law, Brian"](#)  
**Subject:** Law - Background Check  
**Date:** Friday, August 03, 2012 11:13:31 AM

---

We have received a question from a Vendor regarding the background check requirement in the BAFO for employees of the warehouse vendor and the vendor's parent. A form was attached as an example. The form, on its face, applies to state employees. The form that will be used will be modified to require a reasonable background check. The request for confirmation in the BAFO is amended to read:

***Please confirm that you and your employees will submit to a reasonable background check.***



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Craig W. Bulkley](#)  
**To:** ["Law, Brian"](#)  
**Subject:** Law - Questions Posed by Vendors  
**Date:** Friday, August 03, 2012 10:19:39 AM

---

In response to the BAFO, the following questions were posed yesterday and this morning by vendors:

Question #1:

Can the NHSLC tell us if each vintage (year of production) is currently tracked as a separate SKU? If so, are these SKUs included in the approx. 10,000 SKUs in the data supplied? If not, can you tell us how many SKU's have multiple vintages associated with a single SKU and the total number of vintages across those SKUs?

Answer:

Yes, however, the State only tracks the basic SKU/state code. There are approximately 300 SKUs that are tracked by the warehouse by SKU/vintage by adding a vintage identifier to the SKU. For example, SKU/state code 4800 may become 4800-2008. These are typically the high-priced wines.

Question #2:

Please confirm that the state places orders with suppliers for product and as such has the ability to manage the risk of too much inventory on hand. This would be in comparison to a vendor managed inventory model where the Product Suppliers determine the level of inventory.

Answer:

We can not confirm your statement. The NHSLC tracks the sale of product. At the end of the month, the NHSLC finalizes a report that is put online and available to the suppliers. The suppliers use the report to charge the NHSLC for the sale of product. It may also be used by the suppliers to calculate the amount of product which will be sent to the warehouse by the suppliers. Note that there is a legal requirement that a 30-day supply of each product be available in the warehouse. At Concord, the minimum is a case. At the new warehouse, which will be able to perform single-bottle picks, the minimum requirement for a very slow-moving product may be less than a case. Typically, the warehouse receives advanced notice of a shipment. Because of the bailment system, there is a disincentive for a supplier to send excess product to either warehouse.

Question #3:

The RFP references a bond of \$1,000,000. As we finalize our best and final offer we are basing our financials on a realistic range of the bond around that figure. Last week Steve Judge referenced a \$20,000,000 Bond.....was this figure real or inflated?

Answer:

The \$20 million number was chosen to drive home the point that the cost of failure is enormous. Your financials should be based on the \$1 million bond. As we stated in the BAFO sent to you on July 31, 2012, the amount of the bond will be discussed with a Vendor(s) selected for contract negotiations.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
☎ (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
✉ [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Craig W. Bulkley](#)  
**To:** "[Law, Brian](#)"  
**Subject:** Law - Current & Future Data Requirements  
**Date:** Thursday, August 02, 2012 2:16:17 PM

---

Brian:

The NHSLC draws your attention to the April 19, 2012 Clarifications and Amendments, Questions 12-14 pp.3-4. To quote Question 13, in material part, The warehouse vendor will be required to provide their own WMS to interface their WMS with the current **and future systems** described in Question 12.( emphasis added).

As technology advances, the New Hampshire liquor commission will need to migrate from its current infrastructure to a more automated and supportable environment. This will be done to improve communications with its vendors, suppliers and most importantly, its customers. The chosen vendor will need to make modifications and updates to their environment to stay current. As the State of New Hampshire will be using open data formats, it will be relatively easy and consistent to maintain normal communications with outside systems that do the same.

The New Hampshire Liquor Commission will incur its own cost of maintenance and upgrades of its system and the chosen vendor will responsible for its costs to do the same as a normal part of the cost of doing business.

There will have to be a change process in place to allow for notification of change, testing, acceptance and migration into production of any changes made to any systems that affect system functionality.

Please confirm that you will be responsible for your costs to make modifications and updates to your environment to stay current with the future system.

Please respond by 4 PM on Friday August 3, 2012.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897

Cell: (603) 490-1559

✉ [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Craig W. Bulkley](#)  
**To:** "[Law, Brian](#)"  
**Subject:** Law - BAFO Due Date & Time  
**Date:** Thursday, August 02, 2012 1:53:29 PM

---

Brian:

Due to some confusion over the time that your BAFO is due, we are informing you that the BAFO will be due by 4 PM on Friday, August 3, 2012.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Craig W. Bulkley](#)  
**To:** ["Law, Brian"](#)  
**Subject:** Best & Final Offer (Law)  
**Date:** Tuesday, July 31, 2012 3:43:31 PM  
**Attachments:** [nhlc\\_background\\_check.doc](#)  
[Clean Law Warehouse Contract Eff 5-1-12.pdf](#)

---

Dear Brian:

As you were previously informed, the NHSLC Commissioners have selected you to participate in the Best and Final Offer (BAFO) phase of the RFP. The Evaluation Committee is authorized to enter into pre-selection discussions (RFP Section 4.7 a. 1. p. 36). This phase will begin with a written request. **This request may be the only opportunity to improve your proposal.** You may revise your proposal as a result of this request (RFP page 36).

We must receive written answers by **Friday, August 3, 2012.**

You are encouraged to review your entire proposal and improve it to the advantage of the State. There are several areas on which we are specifically focused in order to identify the Proposal that is the most advantageous to the State of New Hampshire.

I. Financial

This issue is highlighted in the Vendor pricing and Innovation Criterion, an area valued at 40 points. The desired end result is that Product will be available in a timely manner and in the necessary amount at every state store and for every Licensee. RFP p. 34. It is also a portion of the Vendor Overall Solution criterion in the requirement that the solution be, among other things, cost effective.

***Using the template reviewed at your Phase II presentation, please provide your lowest possible rates.***

***Please confirm that those rates will not change for the first 30 months of the contract.***

***If possible, please submit an alternative rate structure that provides for rates over the entire twenty-year contract.***

***Please confirm that the twenty-year rates will not change.***

II. Transition

This issue is highlighted in the Vendor Experience & Qualifications/Transition Criterion, an area valued at 20 points. It is also a portion of the Vendor Overall Solution in the requirement that the Vendor demonstrate suitable financial strength, stability and capacity to undertake a sophisticated and capital intensive Warehouse operation with a very high degree of performance and in a timely manner.

***Please confirm that the facility in your proposal and the solution for providing all services required by the RFP will be fully operational on or before October 31, 2013.***

***Please confirm the identity of those individuals who will be located in New Hampshire during the construction of or transition to the proposed facility (Appendix C, III, p. 43).***

***If you have constructed or transitioned to a facility similar to the facility in your proposal please identify the project and provide contact information for your client (Appendix C, II, page 43 of the RFP).***

The RFP requires a separate transition bond to cover any and all costs related to the transition. (RFP Section, 1.9, p. 10 as clarified by the April 18, 2012 clarifications).

***Please confirm that you will provide a transition bond for completion of all necessary items to make the facility fully operational on or before October 31, 2013.***

The amount of the bond will be discussed with any Vendor that is selected for contract negotiations.

### III Contract performance bond

A contract performance bond is required by Section 1.9, page 11 of the RFP. \$1,000,000 was provided as an example of the amount of the contract performance bond. The amount of the bond will be discussed with any vendor that is selected for contract negotiations.

### IV. Final Contract

The General Criterion provides for a review of whether the Vendor's exceptions to the RFP are acceptable to the NHSLC. Section 1.19 provides for cancellation of selection for contract award based on a failure to reach agreement on contractual terms, etc. The NHSLC wants to move as quickly as possible to contract award. To that end, a rather full description of the final contract is set out below. The current short-term warehouse services contract is attached to this email. Because it is a short-term contract, the State agreed to certain terms that it may not agree to in a long-term contract. The point is that the fewer exceptions that have been taken to either the RFP or the standard state contract, the more quickly a final document can be executed.

The Standard State Contract is contained in Exhibit E of the RFP. It is more frequently identified as Form P-37 and we will refer to it as such throughout this item but it is the same document that is contained in RFP Exhibit E. The P-37 cannot be changed on its face. At the end of this process, a P-37 will be signed by the parties. It will contain Exhibits A-F.

If you look at Paragraph 2 of the P-37, you will see that Exhibit A is required to

contain a particular description of the work to be performed by the Vendor. Exhibit A will incorporate by reference the RFP and the Proposal. The fewer exceptions taken to the RFP, the easier it will be to craft Exhibit A.

Paragraph 5 of the P-37 requires Exhibit B to describe the method of payment and terms of payment. It will incorporate the template that best suits the needs of the NHSLC. [This template will be contained in Exhibit F.]

Paragraph 22 of the P-37 allows changes to the P-37 if they are set forth in Exhibit C. That is why Appendix E in the RFP is modified by Exhibit C. Perhaps our effort to be consistent with the final product has caused more confusion than clarity.

Other documents required by the RFP will be part of the contract such as certificates of insurance, the transition bond, the performance bond, a certificate of vote, a certificate of good standing, and a warehouse license.

Exhibit D will be the RFP with all amendments and clarifications.

Exhibit E will be the winning proposal.

Exhibit F will be the price template.

***Even if you have done so before, please identify and explain every exception that you intend to take.***

V Performance of contract

Any Vendor selected for contract discussions will be required to submit to a standard background check performed by Liberty Screening Services, LTD. A sample form is attached. The background check will be performed for all the individuals who will participate in the transition phase as well as the first 30 months of operation. It will also be performed for parent organizations, if you are a new entity.

***Please confirm that you and your employees will submit to the background check***

Appendix C, III. P. 43 of the RFP requested the physical location of each person during the time they will be working on the project.

***Please confirm the identity of the persons who will be located in New Hampshire to run the proposed facility for the first 30 months.***

The Vendor is required to identify a redundant warehouse site in the event of natural or man-made disasters (RFP APP C XIII, P.48)

***Please identify your redundant warehouse site.***

If you have any questions regarding this email, please contact me. Thank you.

P Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director

Division of Administration  
NH State Liquor Commission  
(603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
\* [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Stephen J. Judge](#)  
**To:** ["Brian Law"](#)  
**Cc:** [Craig W. Bulkley](#)  
**Subject:** BAFO Law  
**Date:** Monday, July 30, 2012 3:00:18 PM

---

Dear Brian

Craig is unavailable and asked me to set out the process for this week. The NHSLC Commissioners have selected you to participate in the Best and Final Offer (BAFO) phase of the RFP. The Evaluation Committee is authorized to enter into pre-selection discussions. RFP Section 4.7 a. 1. p. 36.

This phase will begin with a written request. This request may be the only opportunity to improve your proposal. You may revise your proposal as a result of this request. RFP page 36.

The written request will be an email from Craig. The current plan is to send out the email by cob tomorrow with your response due by noon on Friday.

Steve

Stephen J. Judge  
AG Legal Consultant for NHS Liquor Commission  
Wadleigh, Starr & Peters, PLLC  
95 Market Street  
Manchester, New Hampshire 03101  
Tel: 603-669-4140  
Fax: 603-669-6018  
Web: [www.wadleighlaw.com](http://www.wadleighlaw.com)  
E-mail: [sjudge@wadleighlaw.com](mailto:sjudge@wadleighlaw.com)  
E-mail: [stephen.j.judge@liquor.state.nh.us](mailto:stephen.j.judge@liquor.state.nh.us)

Please do not print this email unless necessary

\*\*\*\* CONFIDENTIALITY NOTE \*\*\*\*

NOTICE: This e-mail, including any attachments, is intended for the receipt and use by the intended addressee(s) only, and may contain privileged, confidential, work product and/or trade secrets or other information of a proprietary nature. If you are not an intended recipient of this e-mail, you are hereby notified that any unauthorized use or distribution of this e-mail, including any attachments, is strictly prohibited.



**From:** [Brian Law](#)  
**To:** [Craig W. Bulkley](#)  
**Cc:** [John Guerette](#); [LAW-Jack Glow](#); [monksco@comcast.net](mailto:monksco@comcast.net)  
**Subject:** RE: Seabrook Quick Tour  
**Date:** Friday, July 27, 2012 2:43:01 PM

---

That still works. See you there - Brian

---

**From:** Craig W. Bulkley [mailto:[cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)]  
**Sent:** Friday, July 27, 2012 11:55 AM  
**To:** Brian Law  
**Subject:** RE: Seabrook Quick Tour

OK, so schedules sometimes change. Looks like we're going to be an hour earlier than noted yesterday with an arrival in Seabrook around 11:45 AM. I will call your cell when we're on the road to give you a rough ETA. Does that still work?



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

---

**From:** Brian Law [mailto:[brianlaw@lawwarehouses.com](mailto:brianlaw@lawwarehouses.com)]  
**Sent:** Thursday, July 26, 2012 11:02 PM  
**To:** Craig W. Bulkley; LAW-Jack Glow; John Guerette  
**Subject:** Re: Seabrook Quick Tour

We will see you there. Looking forward to the opportunity.  
Brian

*Sent from my Verizon Wireless 4G LTE DROID*

"Craig W. Bulkley" <[cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)> wrote:

Brian:

Hope you've had a great week with your family. As I indicated in the phone call, we are taking

Chairman Mollica to see the facility sites of the vendors on Monday, July 30<sup>th</sup>. We will get to Seabrook around 12:30 – 1:00 PM. I will call you if we're running late.

There is no need for the use of the conference room. This will be a quick in and out so the chairman can see the facility.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
☎ (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
✉ [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Brian Law](#)  
**To:** [Craig W. Bulkley](#); [LAW-Jack Glow](#); [John Guerette](#)  
**Subject:** Re: Seabrook Quick Tour  
**Date:** Thursday, July 26, 2012 11:02:35 PM

---

We will see you there. Looking forward to the opportunity.  
Brian

*Sent from my Verizon Wireless 4G LTE DROID*

"Craig W. Bulkley" <[cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)> wrote:

Brian:

Hope you've had a great week with your family. As I indicated in the phone call, we are taking Chairman Mollica to see the facility sites of the vendors on Monday, July 30<sup>th</sup>. We will get to Seabrook around 12:30 – 1:00 PM. I will call you if we're running late.

There is no need for the use of the conference room. This will be a quick in and out so the chairman can see the facility.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [John Guerette](#)  
**To:** [Stephen J. Judge](#)  
**Cc:** [Lehmann, Suzan M.](#); [Craig W. Bulkley](#); [Brian Law](#)  
**Subject:** RE: 7/19 follow up  
**Date:** Thursday, July 26, 2012 2:17:12 PM  
**Attachments:** [Response to S Judge email re negotiable items, 07.25.12.docx](#)

---

Steve – I have provided responses to your revised items list below. Please review and, if anything is seems unclear or not accurate, let me know.

We look forward to working through any concerns that you have. It is still our intent to create the best distribution solution possible for the NHSLC, Suppliers/Brokers and Law and for NH to be a showpiece that other states will want to emulate.

John

John M. Guerette  
603.883.5531 x302

-----  
From: Stephen J. Judge [<mailto:stephen.j.judge@liquor.state.nh.us>]  
Sent: Friday, July 20, 2012 3:31 PM  
To: John Guerette  
Cc: Lehmann, Suzan M.; Craig W. Bulkley; Brian Law  
Subject: 7/19 follow up

Dear John,

Thank you again for meeting with the EC yesterday. Craig is out today and he asked me to follow up on some of the issues we discussed yesterday. As you understand, we are trying to move with all deliberate speed. Your timely response will help us. Please Reply to All and future communications will come from Craig.

This inquiry is a request to clarify and expound upon information provided in the written proposal. RFP section 4.5.

Please confirm that the following items which were "required" in your proposal are "critical" to your solution but negotiable:

1. The use of the PA. code, which has been rejected by the NHSLC but some other alternative may be negotiated,[John Guerette] Law understands that the NHSLC is responsible for the codes and code systems to be used and we look forward to working with the Commission to define the appropriate label format that provides the bar code needed to properly track products while addressing the needs of suppliers. Please understand that any potential subcontractor seeking to add automation into the process will need to implement some type of bar code that identifies products to the level requested in RFP 2012-14. Law believes that use of the PA-type code label with the SCC bar code would meet these needs and would be the least burdensome and most cost effective for the suppliers; however, we welcome the opportunity to work with the State and explore other options to meet our requirement of a bar code capable of tracking lots and move toward implementation of that system into the next contract.
2. Sunday delivery, delivery needs to be expanded through negotiations, [John Guerette] Law understands and has agreed elsewhere in our response that the delivery schedule will be mutually agreed. In our attempt to minimize overall costs and provide a greater return to the State, Law believes that it is imperative to move beyond the current five-day delivery schedule in order to meet the State's growing concern about and inability to handle such large deliveries on certain days, especially during holiday weeks. We will continue to work with the State to achieve a mutually agreed delivery schedule

that satisfies the needs of the State, reduces costs and provides the maximum cost-savings/revenue-sharing to the State of NH. and

3. Co-mingling "other inventories" which, again, may be negotiated.[John Guerette] Law understands and seeks to negotiate with the NHSLC the co-mingling of product on deliveries. This has been negotiated in the past and Law seeks to continue with this practice. We understand that we are ultimately liable and responsible for the safe delivery of product to State stores and that it must arrive unblemished by other products.

Please provide a copy of the Master Lease in order for us to determine the viability of the Seabrook option.[John Guerette] Permission to release this document has been requested.

Please provide an explanation of the lease extension, specifically the interplay of the "Monthly Deferral Payments," the Base Rent, the "Deferred Additional Rent," and the "Deferred Rent." [John Guerette] The lease extension was discussed between Steve Judge and John Guerette on July 23, 2012. No additional information has been requested and this issue has been closed.

Please clarify and expound upon your proposal regarding RFP App C, VII, 10 d. liquidated damages for poor performance.[John Guerette] Law recognizes that the State is looking for a quantitative remedy for missed deliveries due to Contractor's inability to have product ready to ship on a timely basis. Law suggests that liquidated damages of \$250 be substituted for "up to \$10,000" and that the performance measure be three consecutive days. We believe that a reasonable cure period (e.g., 30-days) can be mutually agreed upon and that if warehouse cannot cure the delivery delays that liquidated damages should increase to \$500 with another reasonable cure period. We look forward to working with the NHSLC to reach an acceptable arrangement regarding this section.

Please clarify and expound upon your proposal regarding RFP section 3.0.4, refrigerated space. The RFP requirement is approximately 5,000 square feet at about 55 degrees with flexibility and the ability of the Vendor to charge a premium.[John Guerette] Final information is expected this week to complete this response.

You have confirmed that the Excel spreadsheet provided to you on July 17 is correct. Please also confirm that there are no variables that will change the rates for the first 30 months.[John Guerette] Regarding the Excel spreadsheet, yes, we believe the quantity and rate information is accurate. Note, however, that the savings to the NHSLC increases rapidly in subsequent 30-month periods and we encourage you to look at these future savings as well. Regarding variables, based on the speed with which the Evaluation Committee is moving on the RFP, we believe that such concerns have been mitigated. Law is not aware of any variables that could pose a significant effect on costs and, therefore, on our proposed rates.

Please include me as a state agent in 1.13 and 1.14 of your proposal.[John Guerette] After last week's discussion, it was agreed that Steve Judge be named specifically in these sections and that "state agents" be deleted.

Please clarify and expound on why the NHSLC should be liable for the preparation of your proposal. Indicate whether you are seeking agreement that a court may award the cost of proposal presentation if the NHSLC is found liable for some other component of the process. The same request is made regarding contract negotiation. [John Guerette] Law understands that the RFP does not require the NHSLC, in the ordinary course, to reimburse the bidders for expenses they incurred in connection with their participation in the RFP process. Law simply seeks to retain and doesn't waive its rights to pursue available legal remedies and recovery of any damages legally available to Law should such a need arise.

Please identify with specificity every provision in the RFP you intend to negotiate, including Appendix E as modified by Exhibit C. [John Guerette] See attached response. Please note that the attached document identifies provisions in the RFP to which we took exception in our proposal, and addresses in detail our current position on each of these provisions, including: (a) our retraction of some of the exceptions, (b) identification of the provisions to which we and the NHSLC have reached agreement, and (c) further discussion regarding any remaining requests for clarifications or modification.

I understand your requests to modify Appendix E in regard to paragraph 9. Data, Paragraph 12. Assignments, Paragraph 13. Indemnification, and paragraph 27 Assignment of antitrust actions. You need not provide any further explication.[John Guerette] Understood.

While this description is not exhaustive, in answering this request, I draw your attention to RFP p. 65 paragraph 7.3 which is a reservation of rights to pursue any remedies as well as paragraph 8. Why are you requesting more in Section IV page 11 paragraph 25? [John Guerette] Law does not take exception to RFP pg 65, paragraph 7.3.

I draw your attention to RFP p. 67 paragraph 26 which provides for a negotiation of rates for a transition period. It also provides for costs being imposed on a "defaulted Vendor." If not defaulted, the NHSLC bears the cost. What is your objection?[John Guerette] Please confirm our understanding of section 26 (specifically the fourth paragraph). We understand that if another vendor is selected to perform the warehouse services after the expiration of the long term contract, the NHSLC will bear all costs associated with transferring product from the existing warehouses to the new warehouse. The "defaulted contractor" means the contractor who is awarded the long term contract as a result of this RFP. Such "defaulted contractor" will be responsible for such costs only in the event that the "defaulted contractor" were to default on the long term contract during its term and a need arises to transfer product to another warehouse. If this understanding is not accurate, please clarify this provision, including what is meant by "defaulted contractor," and we will promptly provide a follow up response.

As stated at the meeting, the fewer objections, the less time needs to be spent in contract negotiation. Note that this email is not an indication, one way or another, regarding whether you will be recommended by the EC.

Thank You.  
Steve

\*\*\*\*\*

Stephen J. Judge  
AG Legal Consultant for NHS Liquor Commission  
Wadleigh, Starr & Peters, PLLC  
95 Market Street  
Manchester, New Hampshire 03101  
Tel: 603-669-4140  
Fax: 603-669-6018  
Web: [www.wadleighlaw.com](http://www.wadleighlaw.com)  
E-mail: [sjudge@wadleighlaw.com](mailto:sjudge@wadleighlaw.com)<<mailto:sjudge@wadleighlaw.com>>  
E-mail: [stephen.j.judge@liquor.state.nh.us](mailto:stephen.j.judge@liquor.state.nh.us)<<mailto:stephen.j.judge@liquor.state.nh.us>>

Please do not print this email unless necessary

\*\*\*\* CONFIDENTIALITY NOTE \*\*\*\*

NOTICE: This e-mail, including any attachments, is intended for the receipt and use by the intended addressee(s) only, and may contain privileged, confidential, work product and/or trade secrets or other information of a proprietary nature. If you are not an intended recipient of this e-mail, you are hereby notified that any unauthorized use or distribution of this e-mail, including any attachments, is strictly prohibited.

**From:** [John Guerette](#)  
**To:** [Stephen Judge](#)  
**Cc:** [Craig W. Bulkley](#); [Stephen J. Judge](#)  
**Subject:** RE: Law - Letter of Intent with Nestle  
**Date:** Monday, July 23, 2012 2:48:57 PM

---

I didn't see a response, Steve, but will assume that you will be calling when you are free sometime after 3:00pm.

John

John M. Guerette  
603.883.5531 x302

-----Original Message-----

From: John Guerette  
Sent: Friday, July 20, 2012 5:08 PM  
To: 'Stephen Judge'  
Cc: Craig W. Bulkley; [stephen.j.judge@liquor.state.nh.us](mailto:stephen.j.judge@liquor.state.nh.us)  
Subject: RE: Letter of Intent with Nestle

I would like to try to review your concerns and provide assistance with the sublease between Law and Nestle. Monday is best. Do you want to call me when you are available?

John

John M. Guerette  
603.883.5531 x302

-----Original Message-----

From: Stephen Judge [<mailto:sJudge@wadleighlaw.com>]  
Sent: Friday, July 20, 2012 4:29 PM  
To: John Guerette  
Cc: Craig W. Bulkley; [stephen.j.judge@liquor.state.nh.us](mailto:stephen.j.judge@liquor.state.nh.us)  
Subject: RE: Letter of Intent with Nestle

Dear John,

I think our emails are crossing. Yes, I do want to talk to someone and if a person from Nestle is the person, so be it. I am available after 3 on Monday or next Thursday. Please Reply to All, thanks and have a good weekend.

Steve

\*\*\*\*\*

Stephen J. Judge  
Wadleigh, Starr & Peters, PLLC  
95 Market Street  
Manchester, New Hampshire 03101  
Tel: 603-669-4140  
Fax: 603-669-6018  
Web: [www.wadleighlaw.com](http://www.wadleighlaw.com)  
E-mail: [sjudge@wadleighlaw.com](mailto:sjudge@wadleighlaw.com)

Please do not print this email unless necessary

\*\*\*\* CONFIDENTIALITY NOTE \*\*\*\*

NOTICE: This e-mail, including any attachments, is intended for the receipt and use by the intended addressee(s) only, and may contain privileged, confidential, work product and/or trade secrets or other information of a proprietary nature. If you are not an intended recipient of this e-mail, you are hereby notified that any unauthorized use or distribution of this e-mail, including any attachments, is strictly prohibited.

---

From: John Guerette [johnguerette@lawwarehouses.com]  
Sent: Friday, July 20, 2012 3:02 PM  
To: Stephen Judge  
Cc: Craig W. Bulkley  
Subject: Letter of Intent with Nestle

Steve - Please let me know if you still want to have a conversation about the lease terms with Nestle. If so, can you provide a couple of dates/times that work for you?

Thanks  
John

John M. Guerette  
Controller

Law Warehouses, Inc.  
27 Airport Road  
Nashua, NH 03063  
603.883.5531 x302

**From:** [John Guerette](#)  
**To:** [Stephen Judge](#)  
**Cc:** [Craig W. Bulkley](#); [Stephen J. Judge](#)  
**Subject:** RE: Letter of Intent with Nestle  
**Date:** Friday, July 20, 2012 5:08:32 PM

---

I would like to try to review your concerns and provide assistance with the sublease between Law and Nestle. Monday is best. Do you want to call me when you are available?

John

John M. Guerette  
603.883.5531 x302

-----Original Message-----

From: Stephen Judge [<mailto:sJudge@wadleighlaw.com>]  
Sent: Friday, July 20, 2012 4:29 PM  
To: John Guerette  
Cc: Craig W. Bulkley; [stephen.j.judge@liquor.state.nh.us](mailto:stephen.j.judge@liquor.state.nh.us)  
Subject: RE: Letter of Intent with Nestle

Dear John,

I think our emails are crossing. Yes, I do want to talk to someone and if a person from Nestle is the person, so be it. I am available after 3 on Monday or next Thursday. Please Reply to All, thanks and have a good weekend.

Steve

\*\*\*\*\*

Stephen J. Judge  
Wadleigh, Starr & Peters, PLLC  
95 Market Street  
Manchester, New Hampshire 03101  
Tel: 603-669-4140  
Fax: 603-669-6018  
Web: [www.wadleighlaw.com](http://www.wadleighlaw.com)  
E-mail: [sjudge@wadleighlaw.com](mailto:sjudge@wadleighlaw.com)

Please do not print this email unless necessary

\*\*\*\* CONFIDENTIALITY NOTE \*\*\*\*

NOTICE: This e-mail, including any attachments, is intended for the receipt and use by the intended addressee(s) only, and may contain privileged, confidential, work product and/or trade secrets or other information of a proprietary nature. If you are not an intended recipient of this e-mail, you are hereby notified that any unauthorized use or distribution of this e-mail, including any attachments, is strictly prohibited.

---

From: John Guerette [[johnguerette@lawwarehouses.com](mailto:johnguerette@lawwarehouses.com)]  
Sent: Friday, July 20, 2012 3:02 PM  
To: Stephen Judge  
Cc: Craig W. Bulkley  
Subject: Letter of Intent with Nestle

Steve - Please let me know if you still want to have a conversation about the lease terms with Nestle.  
If so, can you provide a couple of dates/times that work for you?

Thanks  
John

John M. Guerette  
Controller

Law Warehouses, Inc.  
27 Airport Road  
Nashua, NH 03063  
603.883.5531 x302

**From:** [Stephen Judge](#)  
**To:** [John Guerette](#)  
**Cc:** [Craig W. Bulkley](#); [Stephen J. Judge](#)  
**Subject:** RE: Law - Letter of Intent with Nestle  
**Date:** Friday, July 20, 2012 4:28:55 PM

---

Dear John,

I think our emails are crossing. Yes, I do want to talk to someone and if a person from Nestle is the person, so be it. I am available after 3 on Monday or next Thursday. Please Reply to All, thanks and have a good weekend.

Steve

\*\*\*\*\*

Stephen J. Judge  
Wadleigh, Starr & Peters, PLLC  
95 Market Street  
Manchester, New Hampshire 03101  
Tel: 603-669-4140  
Fax: 603-669-6018  
Web: [www.wadleighlaw.com](http://www.wadleighlaw.com)  
E-mail: [sjudge@wadleighlaw.com](mailto:sjudge@wadleighlaw.com)

Please do not print this email unless necessary

\*\*\*\* CONFIDENTIALITY NOTE \*\*\*\*

NOTICE: This e-mail, including any attachments, is intended for the receipt and use by the intended addressee(s) only, and may contain privileged, confidential, work product and/or trade secrets or other information of a proprietary nature. If you are not an intended recipient of this e-mail, you are hereby notified that any unauthorized use or distribution of this e-mail, including any attachments, is strictly prohibited.

---

From: John Guerette [[johnguerette@lawwarehouses.com](mailto:johnguerette@lawwarehouses.com)]  
Sent: Friday, July 20, 2012 3:02 PM  
To: Stephen Judge  
Cc: Craig W. Bulkley  
Subject: Letter of Intent with Nestle

Steve – Please let me know if you still want to have a conversation about the lease terms with Nestle. If so, can you provide a couple of dates/times that work for you?

Thanks  
John

John M. Guerette  
Controller

Law Warehouses, Inc.  
27 Airport Road  
Nashua, NH 03063  
603.883.5531 x302



**From:** [Stephen J. Judge](#)  
**To:** ["John Guerette"](#)  
**Cc:** ["Lehmann, Suzan M."](#); [Craig W. Bulkley](#); ["Brian Law"](#)  
**Subject:** Law Warehouse Presentation - 7/19 follow up  
**Date:** Friday, July 20, 2012 3:30:36 PM

---

Dear John,

Thank you again for meeting with the EC yesterday. Craig is out today and he asked me to follow up on some of the issues we discussed yesterday. As you understand, we are trying to move with all deliberate speed. Your timely response will help us. Please Reply to All and future communications will come from Craig.

This inquiry is a request to clarify and expound upon information provided in the written proposal. RFP section 4.5.

Please confirm that the following items which were "required" in your proposal are "critical" to your solution but negotiable:

1. The use of the PA. code, which has been rejected by the NHSLC but some other alternative may be negotiated,
2. Sunday delivery, delivery needs to be expanded through negotiations, and
3. Co-mingling "other inventories" which, again, may be negotiated.

Please provide a copy of the Master Lease in order for us to determine the viability of the Seabrook option.

Please provide an explanation of the lease extension, specifically the interplay of the "Monthly Deferral Payments," the Base Rent, the "Deferred Additional Rent," and the "Deferred Rent."

Please clarify and expound upon your proposal regarding RFP App C, VII, 10 d. liquidated damages for poor performance.

Please clarify and expound upon your proposal regarding RFP section 3.0.4, refrigerated space. The RFP requirement is approximately 5,000 square feet at about 55 degrees with flexibility and the ability of the Vendor to charge a premium.

You have confirmed that the Excel spreadsheet provided to you on July 17 is correct. Please also confirm that there are no variables that will change the rates for the first 30 months.

Please include me as a state agent in 1.13 and 1.14 of your proposal.

Please clarify and expound on why the NHSLC should be liable for the preparation of your proposal.

Indicate whether you are seeking agreement that a court may award the cost of proposal presentation if the NHSLC is found liable for some other component of the process. The same request is made regarding contract negotiation.

Please identify with specificity every provision in the RFP you intend to negotiate, including Appendix E as modified by Exhibit C.

I understand your requests to modify Appendix E in regard to paragraph 9. Data, Paragraph 12. Assignments, Paragraph 13. Indemnification, and paragraph 27 Assignment of antitrust actions. You need not provide any further explication.

While this description is not exhaustive, in answering this request, I draw your attention to RFP p. 65 paragraph 7.3 which is a reservation of rights to pursue any remedies as well as paragraph 8. Why are you requesting more in Section IV page 11 paragraph 25?

I draw your attention to RFP p. 67 paragraph 26 which provides for a negotiation of rates for a transition period. It also provides for costs being imposed on a "defaulted Vendor." If not defaulted, the NHSLC bears the cost. What is your objection?

As stated at the meeting, the fewer objections, the less time needs to be spent in contract negotiation.

Note that this email is not an indication, one way or another, regarding whether you will be recommended by the EC.

Thank You.

Steve

\*\*\*\*\*

Stephen J. Judge  
AG Legal Consultant for NHS Liquor Commission  
Wadleigh, Starr & Peters, PLLC  
95 Market Street  
Manchester, New Hampshire 03101  
Tel: 603-669-4140  
Fax: 603-669-6018  
Web: [www.wadleighlaw.com](http://www.wadleighlaw.com)  
E-mail: [sjudge@wadleighlaw.com](mailto:sjudge@wadleighlaw.com)  
E-mail: [stephen.j.judge@liquor.state.nh.us](mailto:stephen.j.judge@liquor.state.nh.us)

Please do not print this email unless necessary

\*\*\*\* CONFIDENTIALITY NOTE \*\*\*\*

NOTICE: This e-mail, including any attachments, is intended for the receipt and use by the intended addressee(s) only, and may contain privileged, confidential, work product and/or trade secrets or other information of a proprietary nature. If you are not an intended recipient of this e-mail, you are hereby notified that any unauthorized use or distribution of this e-mail, including any attachments, is strictly prohibited.

**From:** [John Guerette](#)  
**To:** [sjudge@wadleighlaw.com](mailto:sjudge@wadleighlaw.com)  
**Cc:** [Craig W. Bulkley](#)  
**Subject:** Law - Letter of Intent with Nestle  
**Date:** Friday, July 20, 2012 3:02:23 PM

---

Steve – Please let me know if you still want to have a conversation about the lease terms with Nestle. If so, can you provide a couple of dates/times that work for you?

Thanks  
John

*John M. Guerette*  
Controller

Law Warehouses, Inc.  
27 Airport Road  
Nashua, NH 03063  
603.883.5531 x302

**From:** [Brian Law](#)  
**To:** [Craig W. Bulkley](#)  
**Cc:** [John Guerette](#); [Lehmann, Suzan M.](#); [LAW-Jack Glow](#)  
**Subject:** Re: Warehouse RFP - Law Warehouse Presentation/Agenda  
**Date:** Wednesday, July 18, 2012 11:52:44 AM  
**Attachments:** [RPF 2012-14 Review of Appendices K, O, and P Rev A.DOC](#)

---

Craig: We have reviewed your email and as requested have enclosed the requested documents. We will be prepared to discuss all other topics tomorrow at 1:30pm at the Commission's headquarters in Concord.

Thank you - Brian

---

**From:** Craig W. Bulkley [mailto:[cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)]  
**Sent:** Tuesday, July 17, 2012 4:02 PM  
**To:** Brian Law  
**Subject:** Warehouse RFP - Law Warehouse Presentation/Agenda

Dear Brian,

The following is an agenda for Thursday's meeting.

Also, I have attached a financial analysis in Excel which will be the foundation for parts of our discussion. **Please review the attached document and provide me with any questions or comments by Noon on Wednesday, July 18<sup>th</sup>.**

[Law] This looks correct

Law has previously confirmed that the elimination of outbound processing and feeder expenses will be delayed for 3 months from the date of the transfer of product from Concord. If the transfer does not occur until the start date for the new contract should the rates in the attached document be changed?

In addition, we need to have a clearer picture of the contractual relationships with the owner and primary tenant of the Seabrook site. Please produce all documents related to your ability to use this building. **Please provide these documents by noon, Wednesday, July 18<sup>th</sup>.**

[Law] Enclosed are the executed LOI to sublease the premises from Nestle and the subsequent extension. I am currently in negotiations with Zurich, the owner of the property, for the remainder of the term.

#### Agenda

##### I. NHSLC-Law RFP Relationship

The NHSLC is responsible for the warehousing and distribution of wine and spirits. It has enjoyed a positive experience with Law over the last many years. The partnership has been collaborative.

In the RFP, the NHSLC has established requirements. Law either accepts these requirements or takes an exception and suggests an alternative, if any. If there is an exception, the NHSLC determines whether it is willing to accept it, negotiate or reject it.

The following are examples of items to which the NHSLC takes "exception."

a. The use of the Pa. code has been previously rejected. Section IV,p. 20. (All references are to Section IV.) The NHSLC determines the code system to be used by all suppliers and business partners.

- b. Sunday delivery cannot be required; the schedule will be mutually agreed. P. 22, 29.
- c. Co-mingling "other inventories" cannot be required. It must be negotiated. P.32.
- d. Law cannot take an undefined, global objection to Appendix K. p. 60. Please provide a specific list of objections to be discussed.

II. Law Presentation Including General Issues (in no particular order)

- a. Whether Law has the right to withdraw without forfeiting bond if the contract is not executed prior to August 30, 2012? Proposal Offer, p. 2, 13
- b. Whether Law may reserve the right to negotiate any provision in RFP regarding available legal remedies? P. 11, 13
- c. What is the remedy for poor performance? P. 42
- d. Why NHSLC has liability for proposal preparation or contract negotiation? P. 2-3
- e. Law must include state agents, e.g. legal consultant in 1.13 and 1.14. p. 6 and p. 8
- f. We need to discuss how to identify shortages among the carrier, warehouse, and NHSLC. P.54
- g. How will incoming product be labeled by Law including vintage without task and cost passed back to the brokers? P. 45-46
- h. The NHSLC has a contract with a Transportation Vendor that runs through October 31, 2013. On page 52 of the Proposal, a section describes transportation savings of \$0.06 per case. A chart on the same page describes these savings as "LMF", presumably Law Motor Freight. The savings are shown beginning in FY 2014. Is the basis for these savings an offer to renegotiate the rates in the existing contract? Is the basis an assumption that LMF will be awarded future transportation contracts?
- i. Regarding the purchase of the Systems Logistics system, p. 35, please explain the future variables that may effect rates and define "significant."
- j. Is Law able to accommodate personnel currently working in the Concord warehouse?
- k. Is there an alternative to closing the warehouse for two days in order to count inventory?

III. Extraneous Issues

- a. Under the current circumstances, the elimination of the increase from the current contract is irrelevant to the analysis of the Proposal. p. 51
- b. The same is true of the offer to transport all product to Seabrook for free under some circumstances.

IV. Financial Analysis

V. IT Issues

VI. Conclusion



Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008

FAX (603) 271-3897

Cell: (603) 490-1559

✉ [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Craig W. Bulkley](#)  
**To:** ["Brian Law"](#)  
**Subject:** RE: Warehouse RFP - Law Warehouse Presentation/Agenda  
**Date:** Wednesday, July 18, 2012 11:50:56 AM

---

Brian:

The page numbers refer to Section IV of your proposal.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

---

**From:** Brian Law [mailto:[brianlaw@lawwarehouses.com](mailto:brianlaw@lawwarehouses.com)]  
**Sent:** Tuesday, July 17, 2012 4:50 PM  
**To:** Craig W. Bulkley  
**Subject:** RE: Warehouse RFP - Law Warehouse Presentation/Agenda

Craig: We are having difficulty understanding your references in Section II. What document do the page numbers reference?

---

**From:** Craig W. Bulkley [mailto:[cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)]  
**Sent:** Tuesday, July 17, 2012 4:02 PM  
**To:** Brian Law  
**Subject:** Warehouse RFP - Law Warehouse Presentation/Agenda

Dear Brian,

The following is an agenda for Thursday's meeting.

Also, I have attached a financial analysis in Excel which will be the foundation for parts of our discussion. **Please review the attached document and provide me with any questions or comments by Noon on Wednesday, July 18<sup>th</sup>.**

Law has previously confirmed that the elimination of outbound processing and feeder expenses will be delayed for 3 months from the date of the transfer of product from Concord. If the transfer does not occur until the start date for the new contract should the rates in the attached document be changed?

In addition, we need to have a clearer picture of the contractual relationships with the owner and primary tenant of the Seabrook site. Please produce all documents related to your ability to use this building. **Please provide these documents by noon, Wednesday, July 18<sup>th</sup>.**

## Agenda

### I. NHSLC-Law RFP Relationship

The NHSLC is responsible for the warehousing and distribution of wine and spirits. It has enjoyed a positive experience with Law over the last many years. The partnership has been collaborative.

In the RFP, the NHSLC has established requirements. Law either accepts these requirements or takes an exception and suggests an alternative, if any. If there is an exception, the NHSLC determines whether it is willing to accept it, negotiate or reject it.

The following are examples of items to which the NHSLC takes "exception."

- a. The use of the Pa. code has been previously rejected. Section IV,p. 20. (All references are to Section IV.) The NHSLC determines the code system to be used by all suppliers and business partners.
- b. Sunday delivery cannot be required; the schedule will be mutually agreed. P. 22, 29.
- c. Co-mingling "other inventories" cannot be required. It must be negotiated. P.32.
- d. Law cannot take an undefined, global objection to Appendix K. p. 60. Please provide a specific list of objections to be discussed.

### II. Law Presentation Including General Issues (in no particular order)

- a. Whether Law has the right to withdraw without forfeiting bond if the contract is not executed prior to August 30, 2012? Proposal Offer, p. 2, 13
- b. Whether Law may reserve the right to negotiate any provision in RFP regarding available legal remedies? P. 11, 13
- c. What is the remedy for poor performance? P. 42
- d. Why NHSLC has liability for proposal preparation or contract negotiation? P. 2-3
- e. Law must include state agents, e.g. legal consultant in 1.13 and 1.14. p. 6 and p. 8
- f. We need to discuss how to identify shortages among the carrier, warehouse, and NHSLC. P.54
- g. How will incoming product be labeled by Law including vintage without task and cost passed back to the brokers? P. 45-46
- h. The NHSLC has a contract with a Transportation Vendor that runs through October 31, 2013. On page 52 of the Proposal, a section describes transportation savings of \$0.06 per case. A chart on the same page describes these savings as "LMF", presumably Law Motor Freight. The savings are shown beginning in FY 2014. Is the basis for these savings an offer to renegotiate the rates in the existing contract? Is the basis an assumption that LMF will be awarded future transportation contracts?
- i. Regarding the purchase of the Systems Logistics system, p. 35, please explain the future variables that may effect rates and define "significant."
- j. Is Law able to accommodate personnel currently working in the Concord warehouse?
- k. Is there an alternative to closing the warehouse for two days in order to count inventory?

### III. Extraneous Issues

- a. Under the current circumstances, the elimination of the increase from the current contract is irrelevant to the analysis of the Proposal. p. 51
- b. The same is true of the offer to transport all product to Seabrook for free under some circumstances.

IV. Financial Analysis

V. IT Issues

VI. Conclusion



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission

 (603) 230-7008

FAX (603) 271-3897

Cell: (603) 490-1559

 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Craig W. Bulkley](#)  
**To:** "Law, Brian"  
**Subject:** Warehouse RFP - Law Warehouse Presentation/Agenda  
**Date:** Tuesday, July 17, 2012 4:01:45 PM  
**Attachments:** [Book5.xls](#)

---

Dear Brian,

The following is an agenda for Thursday's meeting.

Also, I have attached a financial analysis in Excel which will be the foundation for parts of our discussion. **Please review the attached document and provide me with any questions or comments by Noon on Wednesday, July 18<sup>th</sup>.**

Law has previously confirmed that the elimination of outbound processing and feeder expenses will be delayed for 3 months from the date of the transfer of product from Concord. If the transfer does not occur until the start date for the new contract should the rates in the attached document be changed?

In addition, we need to have a clearer picture of the contractual relationships with the owner and primary tenant of the Seabrook site. Please produce all documents related to your ability to use this building. **Please provide these documents by noon, Wednesday, July 18<sup>th</sup>.**

#### Agenda

##### I. NHSLC-Law RFP Relationship

The NHSLC is responsible for the warehousing and distribution of wine and spirits. It has enjoyed a positive experience with Law over the last many years. The partnership has been collaborative.

In the RFP, the NHSLC has established requirements. Law either accepts these requirements or takes an exception and suggests an alternative, if any. If there is an exception, the NHSLC determines whether it is willing to accept it, negotiate or reject it.

The following are examples of items to which the NHSLC takes "exception."

- a. The use of the Pa. code has been previously rejected. Section IV,p. 20. (All references are to Section IV.) The NHSLC determines the code system to be used by all suppliers and business partners.
- b. Sunday delivery cannot be required; the schedule will be mutually agreed. P. 22, 29.
- c. Co-mingling "other inventories" cannot be required. It must be negotiated. P.32.
- d. Law cannot take an undefined, global objection to Appendix K. p. 60. Please provide a specific list of objections to be discussed.

##### II. Law Presentation Including General Issues (in no particular order)

- a. Whether Law has the right to withdraw without forfeiting bond if the contract is not executed prior to August 30, 2012? Proposal Offer, p. 2, 13
- b. Whether Law may reserve the right to negotiate any provision in RFP regarding available legal remedies? P. 11, 13
- c. What is the remedy for poor performance? P. 42
- d. Why NHSLC has liability for proposal preparation or contract negotiation? P. 2-3
- e. Law must include state agents, e.g. legal consultant in 1.13 and 1.14. p. 6 and p. 8
- f. We need to discuss how to identify shortages among the carrier, warehouse, and NHSLC.

P.54

- g. How will incoming product be labeled by Law including vintage without task and cost passed back to the brokers? P. 45-46

h. The NHSLC has a contract with a Transportation Vendor that runs through October 31, 2013. On page 52 of the Proposal, a section describes transportation savings of \$0.06 per case. A chart on the same page describes these savings as "LMF", presumably Law Motor Freight. The savings are shown beginning in FY 2014. Is the basis for these savings an offer to renegotiate the rates in the existing contract? Is the basis an assumption that LMF will be awarded future transportation contracts?

i. Regarding the purchase of the Systems Logistics system, p. 35, please explain the future variables that may effect rates and define "significant."

j. Is Law able to accommodate personnel currently working in the Concord warehouse?

k. Is there an alternative to closing the warehouse for two days in order to count inventory?

### III. Extraneous Issues

a. Under the current circumstances, the elimination of the increase from the current contract is irrelevant to the analysis of the Proposal. p. 51

b. The same is true of the offer to transport all product to Seabrook for free under some circumstances.

### IV. Financial Analysis

### V. IT Issues

### VI. Conclusion



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
☎ (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
✉ [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

### **CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Craig W. Bulkley](#)  
**To:** "Brian Law"  
**Cc:** [George P. Tsiopras](#)  
**Subject:** RE: Law Proposal Presentation  
**Date:** Friday, July 06, 2012 10:39:45 AM

---

This will confirm your request to conduct your presentation on Thursday, July 19<sup>th</sup> from 1:30 – 3:30 PM (EDT) here at our headquarters.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
☎ (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
✉ [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

---

**From:** Brian Law [mailto:[brianlaw@lawwarehouses.com](mailto:brianlaw@lawwarehouses.com)]  
**Sent:** Friday, July 06, 2012 9:50 AM  
**To:** Craig W. Bulkley  
**Cc:** George P. Tsiopras  
**Subject:** RE: Proposal Presentation

Dear Craig and George: Is it possible to schedule this presentation for the afternoon of the 19<sup>th</sup>, the morning of the 20<sup>th</sup> or the afternoon of the 27<sup>th</sup>? I am out of the country on the 23<sup>rd</sup> and would prefer to be part of the presentation.

Thank you for your consideration.

Brian

---

**From:** Craig W. Bulkley [mailto:[cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)]  
**Sent:** Friday, July 06, 2012 9:08 AM  
**To:** Brian Law  
**Cc:** George P. Tsiopras  
**Subject:** Proposal Presentation

Brian:

We are scheduling time during the week of July 23<sup>rd</sup> for an opportunity for your team to present

any additional information to the Evaluation Committee. Please be prepared to discuss the specifics of your proposal as well as to discuss the most recent rate template information. The committee may have additional questions at this time.

We would like your Law team to join us on Monday, July 23<sup>rd</sup> from 1:30 – 3:30 PM (EDT) at our headquarters at 50 Storrs Street, Concord. Please acknowledge and confirm your attendance, and **please copy George Tsiopras** when you email me. Thank you.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Brian Law](#)  
**To:** [Craig W. Bulkley](#)  
**Cc:** [George P. Tsiopras](#)  
**Subject:** RE: Law Proposal Presentation  
**Date:** Friday, July 06, 2012 9:50:22 AM

---

Dear Craig and George: Is it possible to schedule this presentation for the afternoon of the 19<sup>th</sup>, the morning of the 20<sup>th</sup> or the afternoon of the 27<sup>th</sup>? I am out of the country on the 23<sup>rd</sup> and would prefer to be part of the presentation.

Thank you for your consideration.

Brian

---

**From:** Craig W. Bulkley [mailto:[cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)]  
**Sent:** Friday, July 06, 2012 9:08 AM  
**To:** Brian Law  
**Cc:** George P. Tsiopras  
**Subject:** Proposal Presentation

Brian:

We are scheduling time during the week of July 23<sup>rd</sup> for an opportunity for your team to present any additional information to the Evaluation Committee. Please be prepared to discuss the specifics of your proposal as well as to discuss the most recent rate template information. The committee may have additional questions at this time.

We would like your Law team to join us on Monday, July 23<sup>rd</sup> from 1:30 – 3:30 PM (EDT) at our headquarters at 50 Storrs Street, Concord. Please acknowledge and confirm your attendance, and **please copy George Tsiopras** when you email me. Thank you.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by

telephone at (603)230-7008.

**From:** [Craig W. Bulkley](#)  
**To:** "Law, Brian"  
**Cc:** [George P. Tsiopras](#)  
**Subject:** Law Proposal Presentation  
**Date:** Friday, July 06, 2012 9:07:55 AM

---

Brian:

We are scheduling time during the week of July 23<sup>rd</sup> for an opportunity for your team to present any additional information to the Evaluation Committee. Please be prepared to discuss the specifics of your proposal as well as to discuss the most recent rate template information. The committee may have additional questions at this time.

We would like your Law team to join us on Monday, July 23<sup>rd</sup> from 1:30 – 3:30 PM (EDT) at our headquarters at 50 Storrs Street, Concord. Please acknowledge and confirm your attendance, and **please copy George Tsiopras** when you email me. Thank you.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Brian Law](#)  
**To:** [Craig W. Bulkley](#)  
**Cc:** [John Guerette](#); [LAW-Jack Glow](#); [Lehmann, Suzan M.](#)  
**Subject:** RE: Law Response - Warehouse RFP 2012-14 - Rate Changes  
**Date:** Thursday, July 05, 2012 4:57:04 PM  
**Attachments:** [Boston CPI 2012-07.pdf](#)

---

Craig: I understand the NHSLC's concerns in this regard, however there are many variables that go into establishing rates. For that reason we took exception to trying to connect renewal pricing to a consumer inflation measure.

Wages & Benefits, rent & taxes, utilities, and interest (if select a floating option) are the key variable cost line items. I have not found a national metric similar to CPI that would suit our needs in capturing the change in these items. Total volume and order profiles (# of orders, size order and frequency of orders) are key operational parameters. These operational parameters have a direct impact on wage costs.

I will commit to weighted average renewal rates being no more than the change in the Boston-Brockton CPI index for the previous 30-month period, unless one or more of the following items experiences a significant enough change to require an additional increase:

- utility costs,
- taxes,
- rent,
- interest (if applicable),
- a change in operational parameters effecting wage costs

For clarification, using the current CPI index of 247.166 (March 2012 – nearest to renewal) and 236.589 (Nov 2009 – 30 months prior), our increase would be no more than 4.5%. We would reserve the right to increase some rates more than 4.5% and others less so long as the net effect was forecasted to be less than 4.5%.

In the end we are open to negotiate should we collectively be able to establish a more reliable metric to develop renewal pricing and are committed to maintaining the NHSLC's competitive pricing advantage through use of a cost effective distribution system. In the same regard, it is vital to the NHSLC's mission that the distribution system and distribution partner remain viable, which may require a change in rates which could not have been predicted 30-months prior. To that end, we also commit to lowering prices or increase revenue sharing should key parameters and cost reductions provide that opportunity.

Regarding scheduling, should you wish to meet, I am unavailable the morning of Thu 7/19, and I am away from Fri 7/20 – Fri 7/27.

Brian

---

**From:** Craig W. Bulkley [mailto:[cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)]  
**Sent:** Tuesday, July 03, 2012 4:37 PM

**To:** Brian Law  
**Subject:** Warehouse RFP 2012-14 - Rate Changes

Brian:

Section 1.10.4 of the RFP describes the negotiation of rate changes at the end of each 30-month period using the CPI for this region as it relates to the warehousing activities of the vendor. This section also limits any increase to the CPI for the previous twelve months. The purpose of this section was to eliminate the potential for the NHSLC to be at the mercy of a vendor in rate negotiations.

In your proposal on Page 5, you reserve the right to negotiate rate changes beyond the requested limit to CPI for the previous twelve months. As it reads, you can demand an unlimited increase.

It is vital that you provide a fixed metric that you recommend to use for rate negotiations at the end of each 30-month period. So there is no mistake, the Evaluation Committee will not negotiate with a vendor who does not agree to a fixed metric for determining new rates. Furthermore, any change in rates based on this fixed metric must be supported by appropriate documentation to support the requested change.

In order to arrange presentations for the week of the 23<sup>rd</sup> for vendors who have met this requirement, we need to receive an answer to this question by Friday, 7/6, at noon.

Thanks for your anticipated cooperation.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
☎ (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
✉ [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Craig W. Bulkley](#)  
**To:** "Brian Law"  
**Subject:** Clarifications Requested of Law - Warehouse RFP 2012-14 - Rate Changes  
**Date:** Tuesday, July 03, 2012 4:36:47 PM

---

Brian:

Section 1.10.4 of the RFP describes the negotiation of rate changes at the end of each 30-month period using the CPI for this region as it relates to the warehousing activities of the vendor. This section also limits any increase to the CPI for the previous twelve months. The purpose of this section was to eliminate the potential for the NHSLC to be at the mercy of a vendor in rate negotiations.

In your proposal on Page 5, you reserve the right to negotiate rate changes beyond the requested limit to CPI for the previous twelve months. As it reads, you can demand an unlimited increase.

It is vital that you provide a fixed metric that you recommend to use for rate negotiations at the end of each 30-month period. So there is no mistake, the Evaluation Committee will not negotiate with a vendor who does not agree to a fixed metric for determining new rates. Furthermore, any change in rates based on this fixed metric must be supported by appropriate documentation to support the requested change.

In order to arrange presentations for the week of the 23<sup>rd</sup> for vendors who have met this requirement, we need to receive an answer to this question by Friday, 7/6, at noon.

Thanks for your anticipated cooperation.

 Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Brian Law](#)  
**To:** [Craig W. Bulkley](#)  
**Cc:** [LAW-Jack Glow](#); [John Guerette](#)  
**Subject:** RE: Law - RFP 2012-14 Rate Calculation Template  
**Date:** Monday, July 02, 2012 1:31:07 PM  
**Attachments:** [Law Warehouses RFP2012-14 Rate Calculation Template - revised.xls](#)  
[Law Warehouses RFP2012-14 Rate Calculation Template - Revenue Sharing.xlsx](#)

---

Dear Craig: Enclosed are two Excel files. The first is the template with our rates and associated total revenues for our Proposal. We anticipate future rate increase to be less than 2% per year, as has been our practice over the past fifteen years. Although that is our projection, we are not willing to commit to that percentage because future sku growth, volume growth, and order profiles will play such a significant role in the pricing we can provide. In addition, we are not willing to following CPI because the driving measures within the CPI are not our cost drivers.

Also enclosed is a Revenue Sharing Excel file. The Revenue Sharing by Month tab provides the data you requested. The other tabs have source data and calculations used to create the information requested.

Should you have any questions, please feel free to contact me.

Thanks - Brian

---

**From:** Craig W. Bulkley [mailto:[cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)]  
**Sent:** Friday, June 29, 2012 8:26 AM  
**To:** Brian Law  
**Subject:** RE: RFP 2012-14 Rate Calculation Template

Dear Vendor:

We have found several inaccuracies in the template volumes we sent you on Wednesday, 6/27. We have also received several questions regarding the template itself. We are in the process of correcting the template and will forward a revised template to you by close of business today.

Due to this situation, we are extending your deadline to noon on Tuesday, July 3' 2012.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

---

**From:** Craig W. Bulkley  
**Sent:** Wednesday, June 27, 2012 4:35 PM  
**To:** 'Brian Law'  
**Subject:** RFP 2012-14 Rate Calculation Template

Dear Vendor –

Attached please find a template which we must have filled out and returned to us by noon on Monday July 2, 2012. The very same email is being sent to all vendors in order to evaluate the effect of the proposed costs on suppliers and the NHSLC given a consistent volume base.

We have included estimates of the most recent total volumes of activity in each of the categories identified in Appendix D of the RFP. We have also included estimates of the most recent material total volumes of activity in each of the categories identified in Appendix D-1. Because all vendors are receiving the same estimates do not change any of the volume estimates provided in the template.

In addition we have estimated total volumes for the same categories over the first 30 month term (from Nov 1, 2013 thru April 30, 2016). Utilizing these volumes please insert your rates in each category and calculate the respective costs in each category. The evaluation committee reserves the right to repeat this exercise and request lower rates, but at this time use the rates from your original proposal.

For each of the seven subsequent 30 month periods of the contract please provide us with estimates of any changes in rates as a percentage over your initial rate as well as the justification or basis for your estimate. For example, in section 1.10.4 of the RFP we requested that rate changes be based on the CPI for the previous 12 months, you may indicate you are estimating the percentage rate change by projecting the CPI.

With regard to revenue sharing proposals, please utilize the estimated volumes, and in a separate document, identify and quantify the revenue sharing calculation to the State for the first 30 month period. Please identify any estimated changes in each of the subsequent 30 month periods.

Please note the attached spreadsheet has two tabs that need to be completed, unless you have already taken an exception in your proposal dated on or before June 7, 2012, to the two warehouse model.

Please do not add any calculations of savings or costs prior to the start date of the contract on November 1, 2013.

If you have any questions or comments, please send me an email.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission

 (603) 230-7008

FAX (603) 271-3897

Cell: (603) 490-1559

 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Craig W. Bulkley](#)  
**To:** ["Brian Law"](#)  
**Subject:** Law - Revised Template & Answers to Exercise Questions  
**Date:** Friday, June 29, 2012 4:58:47 PM  
**Attachments:** [RFP2012-14 Rate Calculation Template - revised.xls](#)

---

Dear Vendor:

For the purposes of this exercise, below are the answers to questions posed by the vendors as a result of reviewing our original email with our template.

See attached template with revised volumes highlighted in yellow. Be careful to note that even though there are subtotals, in certain categories there may be a mix of cases and pallets (e.g. there are not 19 million cases in storage; this sub-total is blended between cases and pallets).

Quantities shown under each category are reflective of the estimated product shipped, stored, or otherwise handled as noted. For example, under Storage, 1-84 days, 14 million plus cases were received and stored for between 1 and 84 days.

Feel free to enter any formulas required to provide total estimated cost (e.g. Estimated Volume X Proposed Contract Rates = Total Estimated Cost).

Outbound activities include preparing orders which include picking, packing and loading.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Brian Law](#)  
**To:** [Craig W. Bulkley](#)  
**Subject:** Law - RFP 2012-14 Rate Calculation Template  
**Date:** Friday, June 29, 2012 8:39:23 AM  
**Attachments:** [RFP2012-14 Rate Calculation Template - revised.xls](#)  
[All Vendors Revenue Charges May 2011 to April 2012.xls](#)

---

Hi Craig – I changed the pallet quantities to reflect pallets in order to get the proper revenue. In the data I sent you the number of pallets is in the ‘Qty’ column and I put the number of cases that represents in the ‘as cases’ column to be able to calculate the total cases received and shipped. Sorry for not explaining that to begin with.

I also changed the outbound sum calculation to not include bottles because that inflates the “cases” shipped. The number of “cases” shipped as pallets gets lost but for this exercise that’s probably fine.

Call if you have any questions

PS – I highlight the fields I changed on the two tabs.

Brian

---

**From:** Craig W. Bulkley [mailto:[cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)]  
**Sent:** Friday, June 29, 2012 8:26 AM  
**To:** Brian Law  
**Subject:** RE: RFP 2012-14 Rate Calculation Template

Dear Vendor:

We have found several inaccuracies in the template volumes we sent you on Wednesday, 6/27. We have also received several questions regarding the template itself. We are in the process of correcting the template and will forward a revised template to you by close of business today.

Due to this situation, we are extending your deadline to noon on Tuesday, July 3, 2012.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by

law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

---

**From:** Craig W. Bulkley  
**Sent:** Wednesday, June 27, 2012 4:35 PM  
**To:** 'Brian Law'  
**Subject:** RFP 2012-14 Rate Calculation Template

Dear Vendor –

Attached please find a template which we must have filled out and returned to us by noon on Monday July 2, 2012. The very same email is being sent to all vendors in order to evaluate the effect of the proposed costs on suppliers and the NHSLC given a consistent volume base.

We have included estimates of the most recent total volumes of activity in each of the categories identified in Appendix D of the RFP. We have also included estimates of the most recent material total volumes of activity in each of the categories identified in Appendix D-1. Because all vendors are receiving the same estimates do not change any of the volume estimates provided in the template.

In addition we have estimated total volumes for the same categories over the first 30 month term (from Nov 1, 2013 thru April 30, 2016). Utilizing these volumes please insert your rates in each category and calculate the respective costs in each category. The evaluation committee reserves the right to repeat this exercise and request lower rates, but at this time use the rates from your original proposal.

For each of the seven subsequent 30 month periods of the contract please provide us with estimates of any changes in rates as a percentage over your initial rate as well as the justification or basis for your estimate. For example, in section 1.10.4 of the RFP we requested that rate changes be based on the CPI for the previous 12 months, you may indicate you are estimating the percentage rate change by projecting the CPI.

With regard to revenue sharing proposals, please utilize the estimated volumes, and in a separate document, identify and quantify the revenue sharing calculation to the State for the first 30 month period. Please identify any estimated changes in each of the subsequent 30 month periods.

Please note the attached spreadsheet has two tabs that need to be completed, unless you have already taken an exception in your proposal dated on or before June 7, 2012, to the two warehouse model.

Please do not add any calculations of savings or costs prior to the start date of the contract on November 1, 2013.

If you have any questions or comments, please send me an email.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission

 (603) 230-7008

FAX (603) 271-3897

Cell: (603) 490-1559

 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Craig W. Bulkley](#)  
**To:** ["Brian Law"](#)  
**Subject:** Law - RFP 2012-14 Rate Calculation Template  
**Date:** Friday, June 29, 2012 8:25:57 AM

---

Dear Vendor:

We have found several inaccuracies in the template volumes we sent you on Wednesday, 6/27. We have also received several questions regarding the template itself. We are in the process of correcting the template and will forward a revised template to you by close of business today.

Due to this situation, we are extending your deadline to noon on Tuesday, July 3' 2012.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
☎ (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
✉ [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

---

**From:** Craig W. Bulkley  
**Sent:** Wednesday, June 27, 2012 4:35 PM  
**To:** 'Brian Law'  
**Subject:** RFP 2012-14 Rate Calculation Template

Dear Vendor –

Attached please find a template which we must have filled out and returned to us by noon on Monday July 2, 2012. The very same email is being sent to all vendors in order to evaluate the effect of the proposed costs on suppliers and the NHSLC given a consistent volume base.

We have included estimates of the most recent total volumes of activity in each of the categories identified in Appendix D of the RFP. We have also included estimates of the most recent material total volumes of activity in each of the categories identified in Appendix D-1. Because all vendors are receiving the same estimates do not change any of the volume estimates provided in the template.

In addition we have estimated total volumes for the same categories over the first 30 month term

(from Nov 1, 2013 thru April 30, 2016). Utilizing these volumes please insert your rates in each category and calculate the respective costs in each category. The evaluation committee reserves the right to repeat this exercise and request lower rates, but at this time use the rates from your original proposal.

For each of the seven subsequent 30 month periods of the contract please provide us with estimates of any changes in rates as a percentage over your initial rate as well as the justification or basis for your estimate. For example, in section 1.10.4 of the RFP we requested that rate changes be based on the CPI for the previous 12 months, you may indicate you are estimating the percentage rate change by projecting the CPI.

With regard to revenue sharing proposals, please utilize the estimated volumes, and in a separate document, identify and quantify the revenue sharing calculation to the State for the first 30 month period. Please identify any estimated changes in each of the subsequent 30 month periods.

Please note the attached spreadsheet has two tabs that need to be completed, unless you have already taken an exception in your proposal dated on or before June 7, 2012, to the two warehouse model.

Please do not add any calculations of savings or costs prior to the start date of the contract on November 1, 2013.

If you have any questions or comments, please send me an email.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
☎ (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
✉ [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Brian Law](#)  
**To:** [Craig W. Bulkley](#)  
**Subject:** Law - RFP 2012-14 Rate Calculation Template  
**Date:** Thursday, June 28, 2012 2:50:55 PM

---

Craig: I'm realizing that I did not communicate a piece of the volume table I sent you which is throwing numbers way off.

The biggest piece is that you are counting cases as full pallet packs in error making the quantity of pallet packs seem extremely higher than it is. I can explain better if you call.

In the total volume section as well you include bottles in the summary which inflate the "cases shipped" calculation.

Call if you'd like me to explain – thanks - Brian

**From:** [Craig W. Bulkley](#)  
**To:** ["Brian Law"](#)  
**Subject:** To Law - RFP 2012-14 Rate Calculation Template  
**Date:** Wednesday, June 27, 2012 4:34:36 PM  
**Attachments:** [RFP2012-14 Rate Calculation Template.xls](#)

---

Dear Vendor –

Attached please find a template which we must have filled out and returned to us by noon on Monday July 2, 2012. The very same email is being sent to all vendors in order to evaluate the effect of the proposed costs on suppliers and the NHSLC given a consistent volume base.

We have included estimates of the most recent total volumes of activity in each of the categories identified in Appendix D of the RFP. We have also included estimates of the most recent material total volumes of activity in each of the categories identified in Appendix D-1. Because all vendors are receiving the same estimates do not change any of the volume estimates provided in the template.

In addition we have estimated total volumes for the same categories over the first 30 month term (from Nov 1, 2013 thru April 30, 2016). Utilizing these volumes please insert your rates in each category and calculate the respective costs in each category. The evaluation committee reserves the right to repeat this exercise and request lower rates, but at this time use the rates from your original proposal.

For each of the seven subsequent 30 month periods of the contract please provide us with estimates of any changes in rates as a percentage over your initial rate as well as the justification or basis for your estimate. For example, in section 1.10.4 of the RFP we requested that rate changes be based on the CPI for the previous 12 months, you may indicate you are estimating the percentage rate change by projecting the CPI.

With regard to revenue sharing proposals, please utilize the estimated volumes, and in a separate document, identify and quantify the revenue sharing calculation to the State for the first 30 month period. Please identify any estimated changes in each of the subsequent 30 month periods.

Please note the attached spreadsheet has two tabs that need to be completed, unless you have already taken an exception in your proposal dated on or before June 7, 2012, to the two warehouse model.

Please do not add any calculations of savings or costs prior to the start date of the contract on November 1, 2013.

If you have any questions or comments, please send me an email.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission

 (603) 230-7008

FAX (603) 271-3897

Cell: (603) 490-1559

 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Brian Law](#)  
**To:** [Craig W. Bulkley](#)  
**Cc:** [John Guerette](#); [LAW-Jack Glow](#); [Jack Law](#); [Lehmann, Suzan M.](#)  
**Subject:** Law - Tentative Schedule  
**Date:** Tuesday, June 26, 2012 2:20:23 PM

---

We will leave the 16, 17 and 18<sup>th</sup> open. Thank you for your cooperation in scheduling.

Brian

---

**From:** Craig W. Bulkley [mailto:[cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)]  
**Sent:** Tuesday, June 26, 2012 1:27 PM  
**To:** Brian Law  
**Subject:** Tentative Schedule

Brian:

Thank you for spending time with us last week. The Evaluation Committee is still in its initial phase. We wanted to let you know that our first opportunity to meet with you will be during the week of July 16th. In your case, we will not schedule your meeting for the 19<sup>th</sup> or the 20<sup>th</sup>.

We expect to send you an email tomorrow that will require you to use numbers that we will provide to perform financial cost projections based on specific volumes and your proposed rates. I understand that this is a bit vague, but tomorrow's email will clarify things.

Please confirm receipt.

 Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Craig W. Bulkley](#)  
**To:** "[Brian Law](#)"  
**Subject:** Law - Tentative Schedule  
**Date:** Tuesday, June 26, 2012 1:26:35 PM

---

Brian:

Thank you for spending time with us last week. The Evaluation Committee is still in its initial phase. We wanted to let you know that our first opportunity to meet with you will be during the week of July 16th. In your case, we will not schedule your meeting for the 19<sup>th</sup> or the 20<sup>th</sup>.

We expect to send you an email tomorrow that will require you to use numbers that we will provide to perform financial cost projections based on specific volumes and your proposed rates. I understand that this is a bit vague, but tomorrow's email will clarify things.

Please confirm receipt.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Brian Law](#)  
**To:** [Craig W. Bulkley](#)  
**Cc:** [John Guerette](#); [LAW-Jack Glow](#)  
**Subject:** RE: Response # 15  
**Date:** Monday, June 25, 2012 5:05:31 PM

---

Craig: I read "in the alternative" to mean if we lost the contract. In any event, the items we have that have a monthly average of zero surprise us every day and ship, meaning every day some of these items seem to wake up and ship something. As a result, we believe it is our responsibility to make available for shipment everything the suppliers choose to leave in bailment in NH. As a result we believe it is our responsibility to transfer those products, at our cost, to Seabrook as part of a transition process.

Should you have any additional questions, please feel free to contact me.

Thanks - Brian

---

**From:** Craig W. Bulkley [mailto:[cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)]  
**Sent:** Monday, June 25, 2012 4:24 PM  
**To:** Brian Law  
**Subject:** Response # 15

Brian:

Thanks for sending your responses. The answer to one question requires clarification - # 15:

15. Assume that you have been awarded the contract for the Seabrook site. RFP Section 3.0.11, Page 25, describes the transition process from the "old" warehouse to the "new" warehouse. The NHSLC intends to exercise its discretion to pay reasonable costs associated with the transfer of product. The NHSLC does not believe it is reasonable to transfer product that is comatose. Do you have plans to eliminate supplier-owned comatose inventory located in Nashua?

**[Law]** Assuming we have been awarded the contract, the transition of product from Nashua to Seabrook would be completed at our expense.

**Based on the same assumption**, in the alternative, do you intend to continue to be licensed as a liquor warehouse and to store comatose product at the Nashua warehouse? **[Law]** In the unfortunate circumstance that another vendor is selected, our intention is to maintain a warehouse operation in Nashua, however we cannot guarantee that we would retain a license as the cost of the license may far outweigh the available revenue.

The second half of the question asks you to assume that you have been awarded the contract. The heart of the question is: If you are awarded the contract, what plans do you have for the comatose inventory in Nashua? We don't see the need to transport it to Seabrook. As you know, it has been difficult to get the suppliers to retrieve their inventory. We're looking for your thoughts on this matter. It probably goes without saying that you should not read anything into this question regarding who will be awarded the contract.

Thank you.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
☎ (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
✉ [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Craig W. Bulkley](#)  
**To:** "[Brian Law](#)"  
**Subject:** Law - Response # 15  
**Date:** Monday, June 25, 2012 4:23:51 PM

---

Brian:

Thanks for sending your responses. The answer to one question requires clarification - # 15:

15. Assume that you have been awarded the contract for the Seabrook site. RFP Section 3.0.11, Page 25, describes the transition process from the "old" warehouse to the "new" warehouse. The NHSLC intends to exercise its discretion to pay reasonable costs associated with the transfer of product. The NHSLC does not believe it is reasonable to transfer product that is comatose. Do you have plans to eliminate supplier-owned comatose inventory located in Nashua?

**[Law]** Assuming we have been awarded the contract, the transition of product from Nashua to Seabrook would be completed at our expense.

**Based on the same assumption**, in the alternative, do you intend to continue to be licensed as a liquor warehouse and to store comatose product at the Nashua warehouse? **[Law]** In the unfortunate circumstance that another vendor is selected, our intention is to maintain a warehouse operation in Nashua, however we cannot guarantee that we would retain a license as the cost of the license may far outweigh the available revenue.

The second half of the question asks you to assume that you have been awarded the contract. The heart of the question is: If you are awarded the contract, what plans do you have for the comatose inventory in Nashua? We don't see the need to transport it to Seabrook. As you know, it has been difficult to get the suppliers to retrieve their inventory. We're looking for your thoughts on this matter. It probably goes without saying that you should not read anything into this question regarding who will be awarded the contract.

Thank you.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Brian Law](#)  
**To:** [Craig W. Bulkley](#)  
**Cc:** [John Guerette](#); [LAW-Jack Glow](#); [Lehmann, Suzan M.](#)  
**Subject:** Questions to Law - Warehouse Services RFP 2012-14  
**Date:** Friday, June 22, 2012 9:31:02 AM  
**Attachments:** [All Vendors Revenue Charges May 2011 to April 2012.xls](#)  
[20 year volumes.xls](#)

---

Dear Craig: Thank you for your questions. Should you have any additional questions, please feel free to contact me.

---

**From:** Craig W. Bulkley [<mailto:cbulkley@liquor.state.nh.us>]  
**Sent:** Monday, June 18, 2012 1:05 PM  
**To:** Brian Law  
**Cc:** George P. Tsiopras; John D. Bunnell; Judge, Steve  
**Subject:** Warehouse Services RFP 2012-14

Brian:

As we previously notified you by email, the Evaluation Committee is performing its initial analysis. We have several questions about your proposal. In order to expedite the process, we would like your answers to our questions by Friday, June 22<sup>nd</sup>.

Please do not draw any conclusions from the following questions. They are asked in order to confirm that we understand specific parts of your proposal. Do not assume that our questions bring any weight to that part of your proposal about which we have asked. In other words, take the questions at face value and just answer them as completely and with as much detail as possible.

Our questions are as follows:

1. Who will bear the cost of the transfer of inventory from Concord to Seabrook that you have identified that must be completed by October 2012? See Section 3.0.2, Page 17 of 65, Section 3.0.6, Page 27 of 65, Section 3.3, Page 35 of 65  
**[Law]** Law will work out a transfer schedule with the NHSLC, which will likely include the redirection of inbound loads to Seabrook followed by the movement of remaining stock from Concord to Seabrook. The cost of moving the remaining Concord stock will be borne by Law as long as a schedule can be reached to create an efficient transfer plan designed to minimize the cost and avoid the interruption in the flow of product to stores and licensees.
2. Are we correct to assume that the above mentioned date in October 2012 is October 31st?  
**[Law]** Correct.

If we don't meet the October deadline, do we understand correctly that you will not eliminate the outbound processing fee and the NHSLC's expenses in the feeder program? **[Law]** We will eliminate these charges but the date for elimination will be delayed (see next question).

Further, do we correctly understand that a delay of one month will require an additional three-month delay in the introduction of these savings. See Section 3.3, Page 35 of 65. **[Law]** Correct. The substantial costs incurred, due to the delay of in the awarding of a long-term contract, requires that we start generating this revenue from the Seabrook facility as quickly as possible. If this revenue cannot be generated then other savings need to be implemented (i.e., delay of rate reductions to the NHSLC) to offset the substantial cost of this investment.

In addition, will a delay have any other effect on your rates? If so, what will the effect be?

**[Law]** There are no other effects on rates.

3. In Section 1.7.4, Page 4 of 65, you state that an interest rate increase of more than ½ percent may require a revision of your proposed contract rates. If the interest rate decreases, will your rates decrease? **[Law]** If interest rates decrease by more than ½ percent and if Law's effective rate decreases by at least ½ percent, then Law will work in Good Faith with the NHSLC to offer reduced rates, increased revenue sharing or other benefits to the NHSLC.
4. What rate are you using as a benchmark to determine whether or not there is an increase or decrease? **[Law]** 4.5875%.
5. Please be more specific about the optional floating rate alternative referenced in Section 1.7.4, Page 4 of 65. Please provide a detailed answer to this question (and all questions) including what the floating rate would be and how a floating rate would be beneficial to the NHSLC. **[Law]** A floating rate based on Prime or LIBOR is currently under 4%. With rates expected to stay low for the foreseeable future, this could provide up to \$250,000 in savings that could be shared with the NHSLC. Depending on how long it is agreed to let the rate float, the long-term financing rate may be a little higher than if locked in sooner. Based on mid-term rate projections, the difference will likely be minimal; however, should interest rates change significantly it could require a change in longer-term rates to meet the higher cost of financing. Thus, the potential short-term savings do have some downside risk that would impact Law's overall costs and require an adjustment to rates to meet those higher costs.
6. What are your projections for volumes by month in each of the pricing categories included in Appendices D and D-1 for the first 30 months of this contract and each subsequent 30-month period through the end of the contract? Please explain the basis for your projection. Please address only the basic bailment charges: inbound handling, storage, and outbound order processing/reporting. For example, in the first month of the contract, how many cases do you assume will be inbound in the category of codes of 1-180? **[Law]** Enclosed are two excel files. The first is our actual data by charge for the 12-month period May 2011 through April 2012. When estimating the revenue we would generate from the Concord volume we used the data from the RFP which indicated revenue of \$1,719,743 and shipping of 1,239,967 cases for a revenue per case shipped estimate of \$1.39 per case. From that data we made general total volume predictions based upon history. Those projections are provided in the 2nd excel file.
7. Do you subscribe to "open data Standards" **[Law]** We believe in the use of open standards. In that spirit we have and will continue to work with the NHSLC to use open formats in data transfer between systems.
8. Do you have "open data formats" as part of your proposals? **[Law]** Yes, we will continue to use open data standards such as the csv files used in reports generated for suppliers, brokers, and the NHSLC. Another example includes the ODBC connectivity from the NHSLC web serve to the Law WMS.
9. Does your proposal include all licenses required to operate hardware/software? **[Law]** Yes
10. Does your proposal include maintenance for all hardware/software? **[Law]** Yes
11. Does your proposal rely on customized interfaces to integrate with the NHLC existing applications? **[Law]** We believe in the use of open standards. In that spirit we have and will

continue to work with the NHSLC to use open formats in data transfer between systems.

12. The RFP required in Section 1.1, Page 4 that the vendor submit proposals for a single warehouse and two separate warehouses. You have only submitted a single-warehouse proposal. Do you seek a waiver of the requirement of submission of a two-warehouse proposal? **[Law]** In Section 1.1 of our Item by Item Response I explained our exception to providing a two-warehouse scenario and indicated that we in accordance with the provision to take exception were declining to submit a two warehouse scenario.
  
13. The RFP required in Section 1.10.3 and other sections that the vendor propose base rates beginning on November 1, 2013 for the initial 30 months of the contract. You have not proposed rates beginning on November 1, 2013 and lasting 30 months. Do you seek a waiver for this requirement? In your proposal in Section 4, Paragraph 1.10.3, Page 5 of 65, you propose that rates be put into effect January 1, 2013. Later in that same paragraph, you state that this will provide 48 months at our initial proposed rates. Do you calculate the 48 months beginning on May 1, 2012? Should the first sentence of Paragraph 1.10.3 read, in pertinent part, "Law proposes that our [current] rates will [remain] in effect on January 1, 2013...?" **[Law]** Yes to all.
  
14. In Section 3.0.12, Page 26, the RFP requires that the proposal shall list separately all charges which could be incurred by the NHSLC and all charges which could be incurred by the suppliers in the operation of the warehouse. Are all charges included in Appendices D and D-1? Specifically, identify where a charge, if any, for outbound handling is located. For example, outbound handling may be included in the charge for inbound handling. **[Law]** Law has included all charges that it can reasonably predict needing for the contract. There are no outbound handling charges to the NHSLC or Suppliers for normal order processing, thus, you can reasonably assume that the cost of shipping has been included elsewhere in the rates.
  
15. Assume that you have been awarded the contract for the Seabrook site. RFP Section 3.0.11, Page 25, describes the transition process from the "old" warehouse to the "new" warehouse. The NHSLC intends to exercise its discretion to pay reasonable costs associated with the transfer of product. The NHSLC does not believe it is reasonable to transfer product that is comatose. Do you have plans to eliminate supplier-owned comatose inventory located in Nashua?  
**[Law]** Assuming we have been awarded the contract, the transition of product from Nashua to Seabrook would be completed at our expense.

Based on the same assumption, in the alternative, do you intend to continue to be licensed as a liquor warehouse and to store comatose product at the Nashua warehouse? **[Law]** In the unfortunate circumstance that another vendor is selected, our intention is to maintain a warehouse operation in Nashua, however we cannot guarantee that we would retain a license as the cost of the license may far outweigh the available revenue.

16. Please explain your reference to an "alternative" in your proposal, page 27 (Shipping Volumes). **[Law]** The word "alternative" is a typo and should be disregarded. The section should read, "Should the NHSLC choose an option which splits volume between warehouses, Law reserves the right to withdraw this Proposal without forfeiture of our \$50,000 Proposal Guaranty."



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration

NH State Liquor Commission

 (603) 230-7008

FAX (603) 271-3897

Cell: (603) 490-1559

 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Craig W. Bulkley](#)  
**To:** ["Brian Law"](#)  
**Cc:** [George P. Tsiopras](#); [John D. Bunnell](#); ["Judge. Steve"](#)  
**Subject:** To Law - Warehouse Services RFP 2012-14  
**Date:** Monday, June 18, 2012 1:05:08 PM

---

Brian:

As we previously notified you by email, the Evaluation Committee is performing its initial analysis. We have several questions about your proposal. In order to expedite the process, we would like your answers to our questions by Friday, June 22<sup>nd</sup>.

Please do not draw any conclusions from the following questions. They are asked in order to confirm that we understand specific parts of your proposal. Do not assume that our questions bring any weight to that part of your proposal about which we have asked. In other words, take the questions at face value and just answer them as completely and with as much detail as possible.

Our questions are as follows:

1. Who will bear the cost of the transfer of inventory from Concord to Seabrook that you have identified that must be completed by October 2012? See Section 3.0.2, Page 17 of 65, Section 3.0.6, Page 27 of 65, Section 3.3, Page 35 of 65
2. Are we correct to assume that the above mentioned date in October 2012 is October 31st? If we don't meet the October deadline, do we understand correctly that you will not eliminate the outbound processing fee and the NHSLC's expenses in the feeder program? Further, do we correctly understand that a delay of one month will require an additional three-month delay in the introduction of these savings. See Section 3.3, Page 35 of 65. In addition, will a delay have any other effect on your rates? If so, what will the effect be?
3. In Section 1.7.4, Page 4 of 65, you state that an interest rate increase of more than ½ percent may require a revision of your proposed contract rates. If the interest rate decreases, will your rates decrease?
4. What rate are you using as a benchmark to determine whether or not there is an increase or decrease?
5. Please be more specific about the optional floating rate alternative referenced in Section 1.7.4, Page 4 of 65. Please provide a detailed answer to this question (and all questions) including what the floating rate would be and how a floating rate would be beneficial to the NHSLC.
6. What are your projections for volumes by month in each of the pricing categories included in Appendices D and D-1 for the first 30 months of this contract and each subsequent 30-month period through the end of the contract? Please explain the basis for your projection. Please address only the basic bailment charges: inbound handling, storage, and outbound order processing/reporting. For example, in the first month of the contract, how many cases do you assume will be inbound in the category of codes of 1-180?
7. Do you subscribe to "open data Standards"
8. Do you have "open data formats" as part of your proposals?
9. Does your proposal include all licenses required to operate hardware/software?
10. Does your proposal include maintenance for all hardware/software?
11. Does your proposal rely on customized interfaces to integrate with the NHLC existing applications?
12. The RFP required in Section 1.1, Page 4 that the vendor submit proposals for a single warehouse and two separate warehouses. You have only submitted a single-warehouse proposal. Do you seek a waiver of the requirement of submission of a two-warehouse proposal?
13. The RFP required in Section 1.10.3 and other sections that the vendor propose base rates beginning on November 1, 2013 for the initial 30 months of the contract. You have not

proposed rates beginning on November 1, 2013 and lasting 30 months. Do you seek a waiver for this requirement? In your proposal in Section 4, Paragraph 1.10.3, Page 5 of 65, you propose that rates be put into effect January 1, 2013. Later in that same paragraph, you state that this will provide 48 months at our initial proposed rates. Do you calculate the 48 months beginning on May 1, 2012? Should the first sentence of Paragraph 1.10.3 read, in pertinent part, "Law proposes that our [current] rates will [remain] in effect on January 1, 2013...?"

14. In Section 3.0.12, Page 26, the RFP requires that the proposal shall list separately all charges which could be incurred by the NHSLC and all charges which could be incurred by the suppliers in the operation of the warehouse. Are all charges included in Appendices D and D-1? Specifically, identify where a charge, if any, for outbound handling is located. For example, outbound handling may be included in the charge for inbound handling.
15. Assume that you have been awarded the contract for the Seabrook site. RFP Section 3.0.11, Page 25, describes the transition process from the "old" warehouse to the "new" warehouse. The NHSLC intends to exercise its discretion to pay reasonable costs associated with the transfer of product. The NHSLC does not believe it is reasonable to transfer product that is comatose. Do you have plans to eliminate supplier-owned comatose inventory located in Nashua? Based on the same assumption, in the alternative, do you intend to continue to be licensed as a liquor warehouse and to store comatose product at the Nashua warehouse?



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.

**From:** [Craig W. Bulkley](#)  
**To:** [Craig W. Bulkley](#)  
**Cc:** [John D. Bunnell](#); [George P. Tsiopras](#); "[Judge. Steve](#)"  
**Subject:** Warehouse Services RFP 2012-14  
**Date:** Friday, June 15, 2012 1:50:38 PM

---

Dear Vendors:

The Evaluation Committee is performing its initial analysis. We will have several questions about your proposal no later than Monday, June 18<sup>th</sup>. In order to expedite the process, we would like your answers to our questions by Friday, June 22<sup>nd</sup>.

When you receive our questions, please do not draw any conclusions from them. They are asked in order to confirm that we understand specific parts of your proposal. Do not assume that our questions bring any weight to that part of your proposal about which we have asked. In other words, take the questions at face value and just answer them as completely and with as much detail as possible.

We may well have more questions. To that end, we want to tour your proposed facility next week during the timeframe of Tuesday, June 19<sup>th</sup> to Friday, June 22<sup>nd</sup>. Please contact me directly and be prepared to offer several dates when you will be available. Your cooperation on agreeing to meet with us on one of these dates is greatly appreciated.

Please acknowledge receipt of this email. Thank you.



Please consider the environment before printing this e-mail.

Craig W. Bulkley  
Director  
Division of Administration  
NH State Liquor Commission  
 (603) 230-7008  
FAX (603) 271-3897  
Cell: (603) 490-1559  
 [cbulkley@liquor.state.nh.us](mailto:cbulkley@liquor.state.nh.us)

**CONFIDENTIALITY NOTICE**

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please destroy and immediately notify me by telephone at (603)230-7008.