

**From:** Scott Lyons (EXEL CA) <Scott.Lyons@exel.com>  
**To:** Craig W. Bulkey  
**Cc:**  
**Subject:** RE: Transportation Services Vendor Conference

Received. We will be back to you shortly.

Scott Lyons

Telephone: 905 366-7691  
Mobile: 416 417-2537

**From:** Craig W. Bulkey [<mailto:cbulkey@liquor.state.nh.us>]  
**Sent:** Tuesday, June 18, 2013 3:51 PM  
**To:** Scott Lyons (EXEL CA)  
**Cc:** George P. Tsiopras; John D. Bunnell; Hastings, Peter; Stephen J. Judge; Judge, Steve  
**Subject:** Transportation Services Vendor Conference

Scott:

The Evaluation Committee wants to schedule a meeting with you to discuss your proposal. Please let us know whether you are available on Friday, June 28<sup>th</sup>, Monday, July 1<sup>st</sup>, **and** Tuesday, July 2<sup>nd</sup>. We need to confirm your availability for all three days. Please respond by noon, Thursday, June 20<sup>th</sup>.

Thank you.



Please consider the environment before printing this e-mail.

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

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**From:** Scott Lyons (EXEL CA) <Scott.Lyons@exel.com>  
**To:** Craig W. Bulkley  
**Cc:**  
**Subject:** RE: Transportation Services Vendor Conference

Scott Lyons

Telephone: 905 366-7691

Mobile: 416 417-2537

**From:** Craig W. Bulkley [<mailto:cbulkley@liquor.state.nh.us>]  
**Sent:** Tuesday, June 18, 2013 3:51 PM  
**To:** Scott Lyons (EXEL CA)  
**Cc:** George P. Tsiopras; John D. Bunnell; Hastings, Peter; Stephen J. Judge; Judge, Steve  
**Subject:** Transportation Services Vendor Conference

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**From:** Scott Lyons (EXEL CA) <Scott.Lyons@exel.com>  
**To:** Craig W. Bulkley  
**Cc:**  
**Subject:** Exel Answers to Jun 14th questions & Redacted Proposal  
**Attachments:** Redated Final - Transportation Services Proposal.pdf (2 MB); Questions from NHSLC Regarding RFP 2013-14 on Jun 14 2013 Final.pdf (132 KB)



Redated Final -  
Transportation Servic



Questions from  
NHSLC Regarding RFI

Attached please find our answers to the NHSLC's Jun 14<sup>th</sup> questions.

Please confirm receipt.

Go Boston Go!

Cheers,  
Scott Lyons

Exel  
90 Matheson Blvd. West, Suite 111  
Mississauga, Ontario  
L5R 3R3  
Canada

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Mobile: 416 417-2537

[www.exel.com](http://www.exel.com)

From: Jim Ryan <jryan@lbbassociates.com>  
To: Craig W. Bulkey  
Cc: George P. Tsiopras; John D. Bunnell; 'Hastings, Peter'; Stephen J. Judge; 'Judge, Steve'  
Subject: RE: LB&B - Transportation RFP Questions

*Craig,*

*Receipt confirmed. We'll have the responses to you on Thursday.*

*Thanks much,*

***Jim Ryan***

Director of Business Development  
LB&B Associates Inc.  
9891 Broken Land Parkway  
Suite 400  
Columbia, MD 21046  
Office: 301-596-2440  
Cell: 443-878-6122  
Fax: 301-596-7879

<http://www.lbbassociates.com/>

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**From:** Craig W. Bulkley [<mailto:cbulkley@liquor.state.nh.us>]  
**Sent:** Tuesday, June 18, 2013 4:27 PM  
**To:** Jim Ryan  
**Cc:** George P. Tsiopras; John D. Bunnell; Hastings, Peter; Stephen J. Judge; Judge, Steve  
**Subject:** LB&B - Transportation RFP Questions  
**Importance:** High

Jim:

The Transportation RFP Evaluation Committee has initiated its review of all proposals submitted for the Transportation Services RFP. The committee has identified the following questions for you to answer. Please confirm receipt and provide these answers to me via email **4 PM, Thursday, June 20, 2013.**

1. You have provided a proposal that suggests that it is subject to a right-to-know restriction contained on the cover sheet. We can not find a cover sheet or a restriction. In any event, if you believe information in your proposal is not public, your obligation is to provide us a **redacted** copy. Please forward one at your earliest convenience.
2. If you were not using new tractors and trailers, how would that affect your rates?
3. In Appendix L of the Transportation Services RFP, the statutes in Title XIII are cited. Please describe how you will comply with RSA 179:20.
4. Should your terminal facility not be completed by November 1, 2013, what is your contingency plan?
5. Please describe in detail the services you perform for West Virginia and North Carolina. Specifically include the identity of the operator(s) for the warehouses in both states; and, whether the operator and the transportation vendor are the same. If not, under what circumstances, if any, is the transportation vendor allowed to store, maintain and/or repair its equipment at the warehouses? We understand that LB&B operates the North Carolina warehouses. Does it have a separate

- transportation hub? Are any other transportation vendors allowed to use the North Carolina facilities?
6. Section 5.1, page 26 of your proposal - Yard Worker: Some of the described yard worker duties will happen at the Exel facility. Will cleaning trailers and organization of pallet and empty box trailers occur at the LB&B facility?
  7. Section 5.3.4.2, page 50 of your proposal – Please note that per the RFP, restocking orders will be transmitted by 11:35 PM to the Transportation Vendor and the Warehouse Vendor.
  8. Appendix D to your proposal - North Carolina and West Virginia are larger than New Hampshire with considerably more liquor stores and the need for over-night transit. Both states have remote locations that are inaccessible to tractor-trailers. Please describe how the costs associated with North Carolina or West Virginia help to price the New Hampshire proposal.
  9. Appendix D to your proposal - The NHSLC needs to compare fixed rates for the first 18 months of the contract. Are the rates on pages 7 and 9 fixed for 18 months? Are the rates at this level because you intend to hold them for five years?
  10. Appendix D to your proposal - The NHSLC is moving toward pallet unload. In our experience, hand unloads are more costly. Your rates are the same for pallet and hand unload. Why have you priced them the same?
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  13. Appendix D to your proposal - p.3-4 Labor Burdens & Fringe: Please describe the different labor types, exempt, hourly and union.
  14. Appendix D to your proposal – Section 1.2.1 addresses fringe benefits. Do you plan to move current LB&B employees into New Hampshire? This question arises because you are limiting fringe benefits to employees with five years or less of service with LB&B.
  15. Appendix D to your proposal - The top of page 4 refers to a Service document. Please provide an electronic copy.
  16. Appendix D to your proposal - All Financials on pages 9 or 10 have a Note 11 assigned to it, and the note is always the same. “Substantially all of the Company’s revenues have been derived from contracts with the U.S. government.” Please describe these contracts.
  17. Appendix D to your proposal - Please break out and provide the revenue from West Virginia and North Carolina beverage alcohol operations.
  18. Appendix D to your proposal – Section 1.1.2.1, Fuel Cost, Pages 2 and 7 – the fuel surcharge is not included in the vendor’s rates. You have included nine cents in your rates. Please submit revised rates without the fuel surcharge cost.



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**From:** Brian Law <brianlaw@lawwarehouses.com>  
**To:** Craig W. Bulkley  
**Cc:** Brian Law; John Guerette; Jeff Malone; Lehmann, Suzan M. (slehmann@HASLAW.com)  
**Subject:** RE: Transportation Services Vendor Conference

Craig: We are available all of those dates.

Should you be able to work around a physical I have scheduled for 1:15pm Tuesday July 2<sup>nd</sup> with the blood work set for 7:30am Friday 6/28 that would be preferred, but I will certainly change those appointments in the interest of this meeting should that be helpful.

Thanks - Brian

**From:** Craig W. Bulkley [<mailto:cbulkley@liquor.state.nh.us>]  
**Sent:** Tuesday, June 18, 2013 3:51 PM  
**To:** Brian Law  
**Cc:** George P. Tsiopras; John D. Bunnell; Hastings, Peter; Stephen J. Judge; Judge, Steve  
**Subject:** Transportation Services Vendor Conference

Brian:

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From: Craig W. Bulkey  
To: 'Jim Ryan'  
Cc: George P. Tsiopras; John D. Bunnell; 'Hastings, Peter'; Stephen J. Judge; 'Judge, Steve'  
Subject: LB&B - Transportation RFP Questions

Jim:

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**From:** Craig W. Bulkley  
**To:** 'Jim Ryan'  
**Cc:**  
**Subject:** RE: LB&B - Transportation Services Vendor Conference

The meeting will take place at the NHSLC Headquarters or our Division of Enforcement here in Concord, NH. The areas of discussion will span your entire proposal, so bring whomever you think would be appropriate.

**From:** Jim Ryan [<mailto:jryan@lbbassociates.com>]  
**Sent:** Tuesday, June 18, 2013 4:07 PM  
**To:** Craig W. Bulkley  
**Subject:** RE: Transportation Services Vendor Conference

*Craig,*

*Where will the meetings take place? I'll likely want to include some of the team, depending on the areas of discussion.*



Thanks,

***Jim Ryan***

Director of Business Development  
LB&B Associates Inc.  
9891 Broken Land Parkway  
Suite 400  
Columbia, MD 21046  
Office: 301-596-2440  
Cell: 443-878-6122  
Fax: 301-596-7879  
<http://www.lbbassociates.com/>

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**Sent:** Tuesday, June 18, 2013 3:51 PM

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**Cc:** George P. Tsiopras; John D. Bunnell; Hastings, Peter; Stephen J. Judge; Judge, Steve

**Subject:** Transportation Services Vendor Conference

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From:	Craig W. Bulkley
To:	'Scott Lyons (EXEL CA) (Scott.Lyons@exel.com)'
Cc:	George P. Tsiopras; John D. Bunnell; 'Hastings, Peter'; Stephen J. Judge; 'Judge, Steve'
Subject:	Exel - Transportation Services Vendor Conference

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From: Craig W. Bulkley  
To: 'Law, Brian'  
Cc: George P. Tsiopras; John D. Bunnell; 'Hastings, Peter'; Stephen J. Judge; 'Judge, Steve'  
Subject: Law - Transportation Services Vendor Conference

Brian:

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From: Craig W. Bulkley  
To: 'Jim Ryan'  
Cc: George P. Tsiopras; John D. Bunnell; 'Hastings, Peter'; Stephen J. Judge; 'Judge, Steve'  
Subject: LB&B - Transportation Services Vendor Conference

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July 1<sup>st</sup>, **and** Tuesday, July 2<sup>nd</sup>. We need to confirm your availability for all three days. Please respond by noon, Thursday, June 20<sup>th</sup>.

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You forwarded this message on 6/20/2017 3:24 PM

From:	Brian Law <brianlaw@lawwarehouses.com>
To:	Craig W. Bulkley
Cc:	Brian Law; John Guerette; Jeff Malone; Lehmann, Suzan M. (slehmann@HASLAW.com)
Subject:	Law - Additional Transportation RFP Questions

Dear Craig: Here are our answers to the questions you emailed us Fri June 14<sup>th</sup>. We would be happy to come to Concord to discuss to ensure there is no confusion or misunderstanding and we look forward to working with the NHSLC further to develop the solution that best meets the needs of the NHSLC.

1. In Appendix L of the Transportation Services RFP, the statutes in Title XIII are cited. Please describe how you will comply with RSA 179:20. In your answer to number 10, you offered to forward an email from Suzan Lehmann; please forward the email.

**RSA 179:20 (1): No person, except a citizen of the United States or legal resident alien, shall be employed to sell or deliver any liquor or beverage.** Our HR practices follow Federal hiring standards including the completion of Form I-9 and the verification of documents required in the completion of this form.

Recordkeeping, reporting, notices and posters follow state and federal guidelines, including Form DES 605, New Hire Reporting. We have worked diligently with our temporary staffing agencies to ensure that these policies are being met by all of our business partners.

**RSA 189:20 (2): No On-Premise or Off-Premise licensee shall consume beverage of liquor while working. No employee, as defined in RSA 275:4, II, shall**

**consume beverage or liquor while working.** We have strict internal policies regarding the use of alcohol and illicit substances. We not only meet DOT requirements for mandatory pre-employment and random drug and alcohol testing but implemented the procedure before it became mandatory as part of our safety policy. Furthermore, we have gone beyond the minimum requirements by making random testing a requirement for ALL employees.

I have been advised not to forward Suzan's email. Here is the information I was referring to in my previous email.

There are legal requirements under NH law with respect to citizenship and age for carriers.

- a. State law requires that carriers be US citizens, registered resident aliens, partnerships, or limited liability companies, limited liability partnerships, or corporations currently registered with the secretary of state to do business in New Hampshire in order to be licensed as a carrier in NH. See RSA 178:14 (carrier license) and RSA 178:3, II (licensing qualifications). State law also prohibits anyone from being employed to deliver liquor or beverage that is not a US citizen or legal resident alien. See RSA 179:20 (employee restrictions).
- b. State law prohibits licensees from employing a minor to handle liquor or beverages, except off premises licensees can employ minors not less than 15 years old. See RSA 179:23 (employment of minors).

The rules governing carrier licenses are expired, and therefore not accessible online. There may be additional requirements imposed in those rules, but they must comport with the requirements in state law that are identified above, so this should give you the information you need.

I have attached links to the relevant statutes (cited above) for your ease of reference.

RSA 178:14 <http://www.gencourt.state.nh.us/rsa/html/XIII/178/178-14.htm>

RSA 178:3 <http://www.gencourt.state.nh.us/rsa/html/XIII/178/178-3.htm>

RSA 179:20 <http://www.gencourt.state.nh.us/rsa/html/XIII/179/179-20.htm>

RSA 179:23 <http://www.gencourt.state.nh.us/rsa/html/XIII/179/179-23.htm>

2. In your response to our questions dated June 13, 2013, in number 5 you state that you are willing and able to identify a suitable technology that will meet the requirements of the RFP. Perhaps our question was not clear. We are asking you to identify that technology now. Please provide us with a complete description of a suitable technology.

There are many technologies that provide asset tracking and delivery capabilities and the final decision will require additional understanding of the problems to be resolved and the solutions desired. Based on the limited information currently available, TrackAbout, a cloud-based asset tracking and management solution, is one option that may be suitable for the current requirements. TrackAbout provides a paperless delivery system including order notes, delivery exceptions and electronic signatures and has partnered with such well-known technology companies as Intermec, Barcoding Inc., and Zebra. The software is both modular and device agnostic, allowing additional software features beyond electronic proof of delivery as well as the use of smartphones, tablets, or more

traditional rugged handheld computers in order to tailor the final solution to best fit the environment and operational needs of the NHSLC, once they are specified. Jeff Malone, IT Manager, has already been involved in successfully incorporated similar technology into our sister company BSP Trans. using smartphones coupled with a module of their Aurora software. This solution provides signature capture and automated and immediate proof of delivery to the client for every delivery. This may be another solution depending on a greater understanding of the problems that the NHSLC seeks to overcome. We are also having continued discussions with Motorola to investigate what solutions we may be able to provide through their business partners. We will continue to work with these, and other technology providers, based on a greater understanding of the goals for this type of equipment in order to develop the best solution for the NHSLC. After further discussion with the NHSLC to refine the problems to be solved, we reaffirm our commitment to secure a paperless delivery/electronic signature solution that meets the needs of the NHSLC and its business partners.

3. In your answer to number 13, you discuss the issue of 18-month rates. Are your proposed rates locked in for the first 18 months?

Yes, our proposed rates are locked for the first 18 months, and they apply until January 31, 2019 unless, as the NHSLC suggests in its clarifications, prior to that date the business model has sufficiently changed that both sides agree a rate review is warranted.

From: Jim Ryan <jryan@lbbassociates.com>  
To: Craig W. Bulkey  
Cc:  
Subject: RE: Five-Year Transportation RFP - Amendments June 12, 2013 and June 14, 2013

*Craig,*

*I'll continue to monitor the website -*

*Thanks much,*

***Jim Ryan***

Director of Business Development  
LB&B Associates Inc.  
9891 Broken Land Parkway  
Suite 400  
Columbia, MD 21046  
Office: 301-596-2440  
Cell: 443-878-6122  
Fax: 301-596-7879  
<http://www.lbbassociates.com/>

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**From:** Craig W. Bulkley [<mailto:cbulkley@liquor.state.nh.us>]  
**Sent:** Monday, June 17, 2013 8:07 AM  
**To:** Jim Ryan  
**Subject:** RE: Five-Year Transportation RFP - Amendments June 12, 2013 and June 14, 2013

Jim:

You are not required to respond to clarifications and/or amendments posted to our website. Please note that additional clarifications and amendments were posted prior to June 12<sup>th</sup> and 14<sup>th</sup>.

Please continue to check our website daily as we may be posting additional clarifications and amendments regarding this RFP. 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)

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**From:** Jim Ryan [<mailto:jryan@lbbassociates.com>]  
**Sent:** Monday, June 17, 2013 7:50 AM

**To:** Craig W. Bulkley

**Subject:** Five-Year Transportation RFP - Amendments June 12, 2013 and June 14, 2013

*Mr. Bulkley,*

*I have reviewed each the subject Amendments. Are we required to provide any response to amendments issued after the proposal submission?*

*Thanks much,*

***Jim Ryan***

Director of Business Development

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<b>From:</b>	Craig W. Bulkley
<b>To:</b>	'Jim Ryan'
<b>Cc:</b>	
<b>Subject:</b>	RE: Five-Year Transportation RFP - Amendments June 12, 2013 and June 14, 2013

Jim:

You are not required to respond to clarifications and/or amendments posted to our website. Please note that additional clarifications and amendments were posted prior to June 12<sup>th</sup> and 14<sup>th</sup>.

Please continue to check our website daily as we may be posting additional clarifications and amendments regarding this RFP. Thank you.





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**From:** Jim Ryan [<mailto:jryan@lbbassociates.com>]  
**Sent:** Monday, June 17, 2013 7:50 AM  
**To:** Craig W. Bulkley  
**Subject:** Five-Year Transportation RFP - Amendments June 12, 2013 and June 14, 2013

*Mr. Bulkley,*

*I have reviewed each the subject Amendments. Are we required to provide any response to amendments issued after the proposal submission?*

*Thanks much,*

***Jim Ryan***  
Director of Business Development  
LB&B Associates Inc.  
9891 Broken Land Parkway  
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Columbia, MD 21046  
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From: Brian Law <brianlaw@lawwarehouses.com>  
To: Craig W. Bulkley  
Cc: John Guerette; Jeff Malone  
Subject: Re: Law - Additional Transportation RFP Questions

Hi Craig. We will respond by Tuesday noon.  
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:


The Transportation RFP Evaluation Committee has additional questions regarding your proposal. Please acknowledge receipt and respond to these questions by noon on Tuesday, June 18, 2013.

1. In Appendix L of the Transportation Services RFP, the statutes in Title XIII are cited. Please describe how you will comply with RSA 179:20. In your answer to number 10, you offered to forward an email from Suzan Lehmann; please forward the email.
2. In your response to our questions dated June 13, 2013, in number 5 you state that you are willing and able to identify a suitable technology that will meet the requirements of the RFP. Perhaps our question was not clear. We are asking you to identify that technology now. Please provide us with a complete description of a suitable technology.
3. In your answer to number 13, you discuss the issue of 18-month rates. Are your proposed rates locked in for the first 18 months?

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)

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**From:** Scott Lyons (EXEL CA) <Scott.Lyons@exel.com>  
**To:** Craig W. Bulkley  
**Cc:**  
**Subject:** RE: Exel - Transportation RFP Questions

Received – Thanks.

Scott Lyons

Telephone: 905 366-7691

Mobile: 416 417-2537

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

**Sent:** Friday, June 14, 2013 2:40 PM

**To:** Scott Lyons (EXEL CA)

**Cc:** George P. Tsiopras; John D. Bunnell; Hastings, Peter; Stephen J. Judge; Judge, Steve

**Subject:** Exel - Transportation RFP Questions

**Importance:** High

Scott:

The Transportation RFP Evaluation Committee has initiated its review of all proposals submitted for the Transportation Services RFP. The committee has identified the following questions for you to answer. Please confirm receipt and provide these answers to me via email **by noon, Tuesday, June 18, 2013**.

1. If you have not provided a **redacted** copy of your proposal to the Liquor Commission, please forward one at your earliest convenience. Do we correctly understand that the only confidential information in your proposal is on page 75 and 76?
2. As our Warehouse Services contractor, you stated that our transportation vendor could not store tractors or trailers on your warehouse site due to liability issues. In your Transportation Services proposal, you indicate that you will be storing tractors and trailers on your warehouse site. This situation raises a number of issues: a) The construction of the “transportation hub” is being financed by the warehouse contract. No other vendor can do that; b) If another vendor agrees to hold you harmless for any damage to their equipment, will you allow the storage of tractors, trailers, etc. on warehouse property? c) Will you allow such storage if a vendor pays a fee, and if so, what would the fee be? d) If the NHSLC prohibited you from using

- the warehouse as a transportation hub, please provide the rates you would charge for transportation based on this condition; e) You are prepared to offload pallets from your trailers on a daily basis, however you indicate that you would not perform this service with the same frequency for a different transportation vendor. What if the NHSLC required you to allow a different transportation vendor to offload pallets at the warehouse every day? Would you charge a fee for that, and if so, how much?
3. Are there any actions pending against Exel by any federal or state regulatory agency?
  4. Your proposal mentions three focus areas of environmental protection (Go Green), disaster management (GoHelp) and championing education (GoTeach). These are laudatory areas. How will these programs help the NHSLC or the people of NH?
  5. On Page 14 of your Transportation Services RFP proposal, you make the following statement: "...resulting in annual savings of over \$m 60 for our customers." Is this number \$60 million or something else? Please describe a potential process improvement that will result in savings to the NHSLC.
  6. Page 28, paragraph 6 of Design Assumptions, states that you reserve the right to re-price or redesign your solution if the estimate provided in the revised Appendix M "does not hold." The NHSLC can not predict the future. We need to compare rates that are locked in for 18 months. Please provide us with rates that are locked in for 18 months.
  7. Page 31 of your proposal - The purple route on Monday extends into Massachusetts. Have you determined that federal and Massachusetts laws allow a route to cross state lines? Do Massachusetts laws apply to the load while it is in the commonwealth?
  8. Page 35 of your proposal provides for a drop trailer at the Concord warehouse. Assume that this suggestion will not work from November 1, 2013 until the end of the transition for the Concord warehouse due to the shortage of truck bays. Please propose an alternative solution for this time period.
  9. Your Transportation Services proposal, Section 3.3, page 41 assumes the contract award date of May 31, 2013. The RFP identifies an award date as late as July 31, 2013 (Section 1.2, page 4 of 71). Please provide an up-to-date workplan reflecting the correct date.
  10. Your Transportation Services proposal in Section 3.4, page 44 states that you have a dedicated operation in Wrentham, NH. Please identify the customer. Do you mean Wrentham, Massachusetts?
  11. Page 73 of your proposal – Please withdraw the condition that the proposal is subject to Deutsche Post DHL board approval. See terms on proposal offer page (first page of proposal). The proposal must be signed by a person authorized to legally bind the vendor.
  12. Page 73 of your proposal – Please withdraw the requirement that Exel may re-price and/or redesign its solution if Exel has made a material error in its proposal.
  13. Please describe in detail how you will deliver product to a store from the rear of a trailer where product is currently being delivered through a side door.
  14. If there is a shortage of licensed common carriers in NH to deliver our product, will Exel agree to deliver licensee product?
  15. In Appendix L of the Transportation Services RFP, the statutes in Title XIII are cited. Please describe how you will comply with RSA 179:20.
  16. You state that you expect to operate the majority of the tractors yourselves and will use a combination of common carriers and rentals with part-time drivers to manage peak volumes. Please explain in detail whether you will own the tractors and how you will provide the trailers. Will you have full-time drivers? Will you be able to perform maintenance and repairs on tractors and trailers inside a facility?



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Craig W. Bulkley  
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From:	Craig W. Bulkley
To:	'Law, Brian'
Cc:	George P. Tsiopras; John D. Bunnell; 'Hastings, Peter'; Stephen J. Judge; 'Judge, Steve'
Subject:	Law - Additional Transportation RFP Questions

Brian:

The Transportation RFP Evaluation Committee has additional questions regarding your proposal. Please acknowledge receipt and respond to these questions by noon on Tuesday, June 18, 2013.

1. In Appendix L of the Transportation Services RFP, the statutes in Title XIII are cited. Please describe how you will comply with RSA 179:20. In your answer to number 10, you offered to forward an email from Suzan Lehmann; please forward the email.
2. In your response to our questions dated June 13, 2013, in number 5 you state that you are willing and able to identify a suitable technology that will meet the requirements of the RFP. Perhaps our question was not clear. We are asking you to identify that technology now. Please provide us with a complete description of a suitable technology.
3. In your answer to number 13, you discuss the issue of 18-month rates. Are your proposed rates locked in for the first 18 months?

Thank you.



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From:	Craig W. Bulkeley
To:	'Scott Lyons (EXEL CA) (Scott.Lyons@exel.com)'
Cc:	George P. Tsiopras; John D. Bunnell; 'Hastings, Peter'; Stephen J. Judge; 'Judge, Steve'
Subject:	Exel - Transportation RFP Questions

Scott:


The Transportation RFP Evaluation Committee has initiated its review of all proposals submitted for the Transportation Services RFP. The committee has identified the following questions for you to answer. Please confirm receipt and provide these answers to me via email **by noon, Tuesday, June 18, 2013**.

1. If you have not provided a **redacted** copy of your proposal to the Liquor Commission, please forward one at your earliest convenience. Do we correctly understand that the only confidential information in your proposal is on page 75 and 76?
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3. Are there any actions pending against Exel by any federal or state regulatory agency?
4. Your proposal mentions three focus areas of environmental protection (Go Green), disaster management (GoHelp) and championing education (GoTeach). These are laudatory areas. How will these programs help the NHSLC or the people of NH?

5. On Page 14 of your Transportation Services RFP proposal, you make the following statement: "...resulting in annual savings of over \$m 60 for our customers." Is this number \$60 million or something else? Please describe a potential process improvement that will result in savings to the NHSLC.
6. Page 28, paragraph 6 of Design Assumptions, states that you reserve the right to re-price or redesign your solution if the estimate provided in the revised Appendix M "does not hold." The NHSLC can not predict the future. We need to compare rates that are locked in for 18 months. Please provide us with rates that are locked in for 18 months.
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8. Page 35 of your proposal provides for a drop trailer at the Concord warehouse. Assume that this suggestion will not work from November 1, 2013 until the end of the transition for the Concord warehouse due to the shortage of truck bays. Please propose an alternative solution for this time period.
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11. Page 73 of your proposal – Please withdraw the condition that the proposal is subject to Deutsche Post DHL board approval. See terms on proposal offer page (first page of proposal). The proposal must be signed by a person authorized to legally bind the vendor.
12. Page 73 of your proposal – Please withdraw the requirement that Exel may re-price and/or redesign its solution if Exel has made a material error in its proposal.
13. Please describe in detail how you will deliver product to a store from the rear of a trailer where product is currently being delivered through a side door.
14. If there is a shortage of licensed common carriers in NH to deliver our product, will Exel agree to deliver licensee product?
15. In Appendix L of the Transportation Services RFP, the statutes in Title XIII are cited. Please describe how you will comply with RSA 179:20.
16. You state that you expect to operate the majority of the tractors yourselves and will use a combination of common carriers and rentals with part-time drivers to manage peak volumes. Please explain in detail whether you will own the tractors and how you will provide the trailers. Will you have full-time drivers? Will you be able to perform maintenance and repairs on tractors and trailers inside a facility?



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Craig W. Bulkley  
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NH State Liquor Commission  
 (603) 230-7008  
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Cell: (603) 490-1559

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From:	Craig W. Bulkeley
To:	'Brian Law'
Cc:	
Subject:	RE: Law - Transportation RFP Questions

Received; thank you



Please consider the environment before printing this e-mail.

Craig W. Bulkeley

Director

Division of Administration

NH State Liquor Commission

☎ (603) 230-7008

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

**Sent:** Thursday, June 13, 2013 11:51 AM

**To:** Craig W. Bulkeley

**Cc:** Brian Law; John Guerette; Lehmann, Suzan M. ([slehmann@HASLAW.com](mailto:slehmann@HASLAW.com))

**Subject:** Re: Law - Transportation RFP Questions

Dear Craig: Here are our answers to the questions you emailed us Wed June 12<sup>th</sup>. We would be happy to come to Concord to discuss to ensure there is not confusion or misunderstanding.

1. The regular freight co-mingled with liquor store loads on a regular basis is palletized metal ingot bars, however it is possible that in the past we may have co-mingled



other general freight such as palletized wax, medical equipment, canned goods as part of the State's Community Action Food Program.

2. We consider all non-hazardous general freight as being suitable. From our experience in the warehouse, receiving wine and spirits by common carriers on loads mixed with general freight without incident, we believe continuing to allow this practice is in the best interest of the NHSLC.
3. A sample co-mingled delivery schedule is included. I picked a day which resembled the average savings across the year.
4. The RFP and associated clarifications indicate that the driver will confirm the accuracy of the orders being loaded by Exel. As such, should an order be delivered to a liquor store short or damaged Law Motor Freight would be liable for that claim. In the instance of dropped loads and pallet stores, I assume the same process would apply as today whereby the carrier notifies the warehouse of the shortage, the warehouse completes a cycle count and if an overage exists gives the case to the carrier for delivery to cover that shortage. If the cycle count proves accurate then it goes into the system as a carrier claim and if the case is found during physical inventory the overage goes to the carrier to cover that claim.
5. Yes, should the NHSLC choose not to forgo this technology, we are willing and able to apply industry standards and identify a suitable technology that will meet or exceed your minimum requirements as modified on April 12, 2013.
6. Yes. Your March 29<sup>th</sup> clarifications answer to question 17 indicates: if a vendor is not willing to agree to make all the necessary trips from Concord to Bow at its expense required by Section 2.1, the Vendor must provide an alternative. Your answer goes on to indicate that the NHSLC does not intend to require a Vendor to absorb all costs without limit. Our alternative proposal is to provide one free trip daily, M-F, and to charge additional trips at the discounted rate identified in Appendix D for this term of the contract.
7. The rationale and the advantage to the NHSLC to these conditions is to keep the cost to the NHSLC as low as possible. To require these loads to be handled differently would substantially increase the cost to the NHSLC.
8. As described in our Proposal, load factors are a critical component in the development of rates to the NHSLC. This contingency is stated as a confirmation to our understanding that the existing process whereby the warehouse, the carrier and the NHSLC work together throughout the year to develop the schedule which defines the days of the week and the frequency that store orders are picked and delivered. We have worked very well together on this process for the past 15-years and confirm that we will continue in that regard.
9. Jeff Malone – 5 years working with the NHSLC; Mason Schow - 28 years working with the NHSLC; Kip Gaudette – 13 years working with the NHSLC. All three of these people are Law employees and their primary responsibility is to Law Warehouses and Law Motor Freight. All have an extensive knowledge of the NHSLC's systems and are a valuable resource to NHSLC personnel. For example, as recently as yesterday, our staff explained to your staff how your system is designed and how an error your staff made created a significant issue in both our warehouse and trucking operations. Jeff Malone assists BSP on an as needed basis, no more than 1-day per week. All of these employees have remote access capabilities and are on call 24/7/365.
10. Section 24 states that all employees and all vendors must be citizens of the United States. Enclosed is a relevant statute that identifies how this requirement is more restrictive than state law. I can forward an email from Suzan Lehmann providing greater detail should you like to see it. We also believe that for us to set this

requirement in our hiring that we may be violating fair labor and discriminations laws as well. To be clear, we are not assuming that the NHSLC will not obey future laws or regulations, we are simply trying to address in our proposal our need to take exception so we don't put ourselves in a compromising position as it relates to hiring practices by accepting this provision.

11. This section indicates to us that at any time during this contract you can decide to deliver product to NHSLC stores by any means and any company you choose, whether they are properly licensed or not, essentially voiding our exclusive contract. Should this sentence have indicated any "licensed..." than this paragraph would not violate RSA 178:14. Again, to be clear, we are not assuming that the NHSLC will not obey future laws and regulations, we are simply addressing our concern with this specific statement.
12. Enclosed is a replacement document repairing these two typos. We cannot agree to hold the price as costs are likely to be much higher. Another example is the cost of renting equipment. All leases will be tied directly to the end of the contract as it makes no sense to rent equipment beyond the end of the term. The cost to rent equipment short-term during a transition period could be considerably more expensive.
13. On April 12, 2013, the NHSLC modified the RFP and agreed to "...review the rates ... after 18 months ... and to modify the rates if circumstances warrant." We were not clear on whether we should submit 18-month rates, with the final 42 months being negotiated at that point, or 5-year rates which would only be renegotiated after 18-months should circumstances warrant. Said another way, it was not clear what circumstances would warrant a rate change, whether 18-month rates should only consider estimated costs during that period and would automatically be renegotiated based on contractor's estimated costs over the final 42 months, or whether the costs for the entire contract period should be considered. To be safe we submitted rates for 5-years while trying to provide language indicating that we agree with your intent to review rates should the profile change/circumstances warrant.

Thank you for the opportunity to clarify any elements of our Proposal about which you had questions. Should you have any further questions and/or wish to schedule a meeting, please feel free to contact me.

Brian

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

**Sent:** Wednesday, June 12, 2013 12:16 PM

**To:** Brian Law

**Subject:** Law - Transportation RFP Questions

**Importance:** High

Brian:

The Transportation RFP Evaluation Committee has initiated its review of all proposals submitted for the Transportation Services RFP. The committee has identified the following questions for you to answer. Please provide these answers to me via email **by noon, Monday, June 17, 2013.**

1. Please identify what “regular freight,” if any, that is currently or has been transported in trailers containing product for delivery to NHSLC retail stores or to or from the Concord Warehouse. Proposal p.12, 16 of 35.
2. Please identify all regular freight you consider suitable to include with NHSLC product deliveries to NHSLC retail stores under your proposal.
3. Please provide a sample delivery schedule that includes licensees and regular freight.
4. You state in your proposal that LMF cannot use seals on co-mingled loads. Please describe the process you will use to maintain responsibility for co-mingled loads.
5. Reference page 17 of 35 in Section III, paragraph 3.3 and page 22 of 35 in Section III, paragraph 15 of your proposal, the RFP (paragraph 15 on page 31) described the minimum requirements for the capture and transmission of electronic information. The Exel warehouse will use the Manhattan software as the platform for the warehouse management system. Are you able to apply industry standards and identify a suitable technology that meets or exceeds these minimum requirements?
6. The RFP seeks no charge for all necessary trips between Bow and Concord. RFP paragraph 2.1, page 17  
Do we correctly understand that you propose to charge the discounted rate for more than one daily trip between Concord and Bow for the entire term of the contract?
7. Please explain the rationale, including the advantage to the NHSLC, for each condition proposed for transfer of product from Nashua/Concord to Bow. Proposal Section III, paragraph 2.2.
8. The NHSLC went to great lengths to describe the transportation system to be used in responding to the RFP. See particularly, the April 12, 2013 clarification, p.1-4. Please specifically describe the contingency raised in the proposal Section III, paragraph 2.3.
9. Please identify all members of the Law IT department including a description of the percentage of time each person spends working for each of the Law businesses, including Law Realty Co., Inc., Law Warehouse, LMF, BSP Transportation, and McMillan Transportation. Proposal, section II, paragraph 3.1
10. LMF was previously asked to identify any existing state and/or federal laws and/or regulations that are inconsistent with RFP Appendix C, paragraph 24, page 33 of 71. LMF has now taken an exception without providing the requested identification. Please identify all existing inconsistent laws and/or regulations. Please identify the basis for assuming that the NHSLC will not obey future applicable state and/or federal laws and/or regulations.
11. Please identify all existing inconsistent laws and/or regulations with RFP App C, Paragraph 9, p. 35 of 71. Please explain how this paragraph is inconsistent with RSA 178:14. Please identify the basis for assuming that the NHSLC will not obey future applicable state and/or federal laws and/or regulations.
12. In your proposal on page 27 paragraph 15 and page 33 paragraph 26 you have misidentified the transition as involving a warehouse vendor. Please resubmit these paragraphs in proper form. Because this is a transportation transition, why not agree to hold the price?

13. In your proposal on Page 29 Appendix D, you state that rates are for 5 years “unless the business profile migrated to the point that a rate revision was warranted.” Please describe with specificity what you mean by the quoted language.



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Dear Craig: Here are our answers to the questions you emailed us Wed June 12<sup>th</sup>. We would be happy to come to Concord to discuss to ensure there is not confusion or misunderstanding.

14. The regular freight co-mingled with liquor store loads on a regular basis is palletized metal ingot bars, however it is possible that in the past we may have co-mingled other general freight such as palletized wax, medical equipment, canned goods as part of the State’s Community Action Food Program.
15. We consider all non-hazardous general freight as being suitable. From our experience in the warehouse, receiving wine and spirits by common carriers on loads mixed with general freight without incident, we believe continuing to allow this practice is in the best interest of the NHSLC.
16. A sample co-mingled delivery schedule is included. I picked a day which resembled the average savings across the year.
17. The RFP and associated clarifications indicate that the driver will confirm the accuracy of the orders being loaded by Exel. As such, should an order be delivered to a liquor store short or damaged Law Motor Freight would be liable for that claim. In the instance of dropped loads and pallet stores, I assume the same process would apply as today whereby the carrier notifies the warehouse of the shortage, the warehouse completes a cycle count and if an overage exists gives the case to the carrier for delivery to cover that shortage. If the cycle count proves accurate then it goes into the system as a carrier claim and if the case is found during physical inventory the overage goes to the carrier to cover that claim.

18. Yes, should the NHSLC choose not to forgo this technology, we are willing and able to apply industry standards and identify a suitable technology that will meet or exceed your minimum requirements as modified on April 12, 2013.
19. Yes. Your March 29<sup>th</sup> clarifications answer to question 17 indicates: if a vendor is not willing to agree to make all the necessary trips from Concord to Bow at its expense required by Section 2.1, the Vendor must provide an alternative. Your answer goes on to indicate that the NHSLC does not intend to require a Vendor to absorb all costs without limit. Our alternative proposal is to provide one free trip daily, M-F, and to charge additional trips at the discounted rate identified in Appendix D for this term of the contract.
20. The rationale and the advantage to the NHSLC to these conditions is to keep the cost to the NHSLC as low as possible. To require these loads to be handled differently would substantially increase the cost to the NHSLC.
21. As described in our Proposal, load factors are a critical component in the development of rates to the NHSLC. This contingency is stated as a confirmation to our understanding that the existing process whereby the warehouse, the carrier and the NHSLC work together throughout the year to develop the schedule which defines the days of the week and the frequency that store orders are picked and delivered. We have worked very well together on this process for the past 15-years and confirm that we will continue in that regard.
22. Jeff Malone – 5 years working with the NHSLC; Mason Schow - 28 years working with the NHSLC; Kip Gaudette – 13 years working with the NHSLC. All three of these people are Law employees and their primary responsibility is to Law Warehouses and Law Motor Freight. All have an extensive knowledge of the NHSLC's systems and are a valuable resource to NHSLC personnel. For example, as recently as yesterday, our staff explained to your staff how your system is designed and how an error your staff made created a significant issue in both our warehouse and trucking operations. Jeff Malone assists BSP on an as needed basis, no more than 1-day per week. All of these employees have remote access capabilities and are on call 24/7/365.
23. Section 24 states that all employees and all vendors must be citizens of the United States. Enclosed is a relevant statute that identifies how this requirement is more restrictive than state law. I can forward an email from Suzan Lehmann providing greater detail should you like to see it. We also believe that for us to set this requirement in our hiring that we may be violating fair labor and discriminations laws as well. To be clear, we are not assuming that the NHSLC will not obey future laws or regulations, we are simply trying to address in our proposal our need to take exception so we don't put ourselves in a compromising position as it relates to hiring practices by accepting this provision.
24. This section indicates to us that at any time during this contract you can decide to deliver product to NHSLC stores by any means and any company you choose, whether they are properly licensed or not, essentially voiding our exclusive contract. Should this sentence have indicated any "licensed..." than this paragraph would not violate RSA 178:14. Again, to be clear, we are not assuming that the NHSLC will not obey future laws and regulations, we are simply addressing our concern with this specific statement.
25. Enclosed is a replacement document repairing these two typos. We cannot agree to hold the price as costs are likely to be much higher. Another example is the cost of renting equipment. All leases will be tied directly to the end of the contract as it makes no sense to rent equipment beyond the end of the term. The cost to rent

equipment short-term during a transition period could be considerably more expensive.

26. On April 12, 2013, the NHSLC modified the RFP and agreed to "...review the rates ... after 18 months ... and to modify the rates if circumstances warrant." We were not clear on whether we should submit 18-month rates, with the final 42 months being negotiated at that point, or 5-year rates which would only be renegotiated after 18-months should circumstances warrant. Said another way, it was not clear what circumstances would warrant a rate change, whether 18-month rates should only consider estimated costs during that period and would automatically be renegotiated based on contractor's estimated costs over the final 42 months, or whether the costs for the entire contract period should be considered. To be safe we submitted rates for 5-years while trying to provide language indicating that we agree with your intent to review rates should the profile change/circumstances warrant.

Thank you for the opportunity to clarify any elements of our Proposal about which you had questions. Should you have any further questions and/or wish to schedule a meeting, please feel free to contact me.

Brian

**From:** Craig W. Bulkley [<mailto:cbulkley@liquor.state.nh.us>]  
**Sent:** Wednesday, June 12, 2013 12:16 PM  
**To:** Brian Law  
**Subject:** Law - Transportation RFP Questions  
**Importance:** High

Brian:

The Transportation RFP Evaluation Committee has initiated its review of all proposals submitted for the Transportation Services RFP. The committee has identified the following questions for you to answer. Please provide these answers to me via email by **noon, Monday, June 17, 2013**.

14. Please identify what "regular freight," if any, that is currently or has been transported in trailers containing product for delivery to NHSLC retail stores or to or from the Concord Warehouse. Proposal p.12, 16 of 35.
15. Please identify all regular freight you consider suitable to include with NHSLC product deliveries to NHSLC retail stores under your proposal.
16. Please provide a sample delivery schedule that includes licensees and regular freight.
17. You state in your proposal that LMF cannot use seals on co-mingled loads. Please describe the process you will use to maintain responsibility for co-mingled loads.
18. Reference page 17 of 35 in Section III, paragraph 3.3 and page 22 of 35 in Section III, paragraph 15 of your proposal, the RFP (paragraph 15 on page 31) described the minimum requirements for the capture and transmission of electronic information. The Exel warehouse will use the Manhattan software as the platform for the warehouse management system. Are you able to

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  23. LMF was previously asked to identify any existing state and/or federal laws and/or regulations that are inconsistent with RFP Appendix C, paragraph 24, page 33 of 71. LMF has now taken an exception without providing the requested identification. Please identify all existing inconsistent laws and/or regulations. Please identify the basis for assuming that the NHSLC will not obey future applicable state and/or federal laws and/or regulations.
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  25. In your proposal on page 27 paragraph 15 and page 33 paragraph 26 you have misidentified the transition as involving a warehouse vendor. Please resubmit these paragraphs in proper form. Because this is a transportation transition, why not agree to hold the price?
  26. In your proposal on Page 29 Appendix D, you state that rates are for 5 years “unless the business profile migrated to the point that a rate revision was warranted.” Please describe with specificity what you mean by the quoted language.



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Section 179\_20  
Employee Restrictions



Corrected language -  
warehouse to transp



Section IIIa Delivery  
Schedules - combined