

From: Craig W. Bulley
To: George P. Tassone; John D. Bunnell; Hastings, Peter; Stephen J. Judge; Judge, Steve
Cc:
Subject: FW: Law - Transportation RFP Questions
Attachments: Section 179_20 Employee Restrictions.pdf (14 KB); Corrected language - warehouse to transportation.doc (28 KB); Section IIIa Delivery Schedules - combined Delivery for Bulley response 2013-06-13.doc (200 KB)



Section 179_20
Employee Restrictions



Corrected language -
warehouse to transp



Section IIIa Delivery
Schedules - combined

Law's responses to the questions sent to them yesterday.



Please consider the environment before printing this e-mail.

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

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From: Brian Law [<mailto:brianlaw@lawwarehouses.com>]
Sent: Thursday, June 13, 2013 11:51 AM
To: Craig W. Bulley
Cc: Brian Law; John Guerette; Lehmann, Suzan M. (slehmann@HASLAW.com)
Subject: Re: Law - Transportation RFP Questions

Dear Craig: Here are our answers to the questions you emailed us Wed June 12th. 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 29th 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. Bulkeley [<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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From: Craig W. Bulkley
To: George P. Tsiopras; John D. Bunnell; 'Hastings, Peter'; Stephen J. Judge; 'Judge, Steve'
Cc:
Subject: FW: Law - Transportation RFP Questions

EC Committee:

Here are questions sent to Law today regarding their proposal.



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Craig W. Bulkley
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From: Craig W. Bulkley
Sent: Wednesday, June 12, 2013 12:16 PM
To: Law, Brian
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**.

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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?
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From: Stephen J. Judge
To: Lisa M. Lasonde
Cc:
Subject: Fw: Eval Comm - Part 2
Attachments: FW: Law - Transportation RFP Questions (172 KB); FW: Law - Transportation RFP Questions (21 KB); June 12, 2013 Amendment - Revised (61 KB); RE: Bid Proposal Bond (16 KB)



June 12, 2013
Amendment.doc

Gentlemen:

Please discard the amendment posting I sent you yesterday for the Transportation RFP. Here is the actual posting completed today.

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Craig W. Bulkley
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From: Stephen Judge <sjudge@wadleighlaw.com>
To: Craig W. Bulkley
Cc:
Subject: RE: Bid/Proposal Bond

The corrected bond arrived on 5/16.

From: Craig W. Bulkley [cbulkley@liquor.state.nh.us]
Sent: Wednesday, May 15, 2013 8:32 PM
To: Stephen Judge
Subject: FW: Bid/Proposal Bond

Did you get this?

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

From: Jim Ryan [<mailto:jryan@lbbassociates.com>]
Sent: Wed 5/15/2013 9:56 AM
To: Craig W. Bulkley
Subject: RE: Bid/Proposal Bond

Craig,

Here's a copy of the new bond. The original and copies for insertion into our proposal will be there tomorrow morning.

Thanks again,

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

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

Sent: Tuesday, May 14, 2013 3:42 PM

To: Jim Ryan
Subject: Bid/Proposal Bond
Importance: High

Jim:

In performing an initial review of your proposal, the Bid or Proposal Bond you obtained from Merchants Bonding Company is made out to the wrong entity. The correct name on the bond should be: New Hampshire State Liquor Commission.

Please complete a new bond and forward it to me as soon as possible. Thank you.

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

Craig W. Bulkley

Director

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