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November 21, 2012

**Via Electronic Mail (603-271-1107) and Regular Mail**

Craig Bulkley, Director  
Division of Administration  
New Hampshire State Liquor Commission  
50 Storrs Street  
P.O. Box 503  
Concord, NH 03301

**Re: RFP 2012-14**

Dear Mr. Bulkley:

I have reviewed your letter of November 19, 2012 in response to Law Warehouses, Inc.'s November 13, 2012 request under the Right-to-Know Law for information pertaining to RFP 2012-14. I write now to again request that the New Hampshire Liquor Commission produce information that unquestionably is subject to disclosure under RSA 91-A and should immediately be provided to Law Warehouses.

There is no merit to the Liquor Commission's contention that RSA 21-I:13-a, II bars the disclosure of the information requested by Law Warehouses, or that the requests fall outside of the scope of RSA 91-A. As stated in the Attorney General's Memorandum on the Right to Know Law (the "AG Memo"), "information concerning specific bids or proposals may be disclosed when proposed contract and accompanying documents are placed on the public Governor and Council agenda for approval." See AG Memo, Section V.F.7, p. 24. Here, once the contract was placed on the public agenda, the requested information became publicly available as the subject of a public agenda item for approval by the Commissioners, and therefore subject to immediate production. Additionally, the contract has now been awarded. By refusing to produce the requested information, the Liquor Commission violated RSA 91-A.

We request that the Liquor Commission immediately produce the requested information. Failure to do so has already caused harm and prejudice to Law Warehouses and the public alike. In fact, the Liquor Commission itself purported to create a bid protest process through the RFP that would require that any challenges to the bid process be filed within 10 business days of an award notification. The Liquor Commission cannot ignore its 10 day time limit on challenging awards,

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while also withholding information necessary for bidders to evaluate whether the award process was conducted in a fair and legal manner. Further, the Liquor Commission in the RFP has already required the bidders to submit redacted proposals at the time of proposal submission excluding their confidential information. There is no basis or source of authority in law to support the Liquor Commission's now withholding the proposals and other requested information.

Accordingly, we request that the Liquor Commission immediately produce the requested information no later than Wednesday, November 28, 2012.

Thank you for your prompt attention to this matter.

Sincerely,



Suzan M. Lehmann

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