

VAUGHN INDEX

1/18/2013

**EXEMPT ELECTRONIC GOVERNMENTAL RECORDS
OF THE NEW HAMPSHIRE LIQUOR COMMISSION REGARDING THE LONG TERM WAREHOUSE RFP**

NHSLC:

Chairman Joe Mollica (C-JM)
Commissioner Mike Milligan (C-MM)
(Former) Commissioner Mark Bodi (C-MB)
Craig W. Bulkley (CWB)
John Bunnell (JB)
Kelly Matthews (KM)

George Tsiopras (GT)
Rick Gerrish (RG)
Counsel:
Atty. Stephen J. Judge (SJJ)
SAAG Mike Brown (MB)
AAG Lisa English (LE)
Susan Schaller – SJJ’s assistant (SS)

Evaluation Committee (EC)

Peter Hastings (PH) DOIT
Craig W. Bulkley (CWB)
John Bunnell (JB)
George Tsiopras (GT)

There are 105 documents in this Index. As a rough summary, seventy-one of them are drafts of documents. RSA 91-A:5, IX (Exempting preliminary drafts, etc. not circulated, etc. to a quorum of a public body) Some of these documents are multiple drafts of the same document. Sixty-nine of the 105 documents were made public in their final form. Twelve documents are solely labeled as attorney work product. Six documents are solely labeled as confidential as requested by Law or Exel. Three documents are solely labeled as attorney-client privilege. Nothing in this Index waives any privilege or exemption.

No.	Date and Time	From	To	Subject	Attorney Client Privilege	Atty Work Product	Confidential	Draft	
1	12/21/2011 11:45 am	SJJ	CWB	Draft by counsel of long term RFP announcement. Final made public		X		X	
2	01/04/2012 11:49 am	SJJ	MB, LE, CWB	Second draft of long term RFP announcement Final made public		X		X	
3	02/10/2012	SJJ	LE, MB, CWB	Long term warehouse announcement draft and invitation to a meeting with the commissioners. Final made public		X		X	
4	02/13/2012 10:58 am	SJJ	LE, MB, CWB	Continuation of discussion of long term warehouse draft and 91A requests for short term RFPs. Final made public		X		X	
5	02/14/2012 11:55 am	SJJ	JB, GT, CWB	List of issues in regard to issuing a long term warehouse RFP		X			
6	02/15/2012	SJJ	CWB	Another draft of the long term warehouse		X		X	

No.	Date and Time	From	To	Subject	Attorney Client Privilege	Atty Work Product	Confidential	Draft
	11:33 am			announcement Final made public				
7	03/01/2012 1:33 pm	JB	SJJ, GT and CWB	Email regarding single model pick. Fact communicated by the client to the lawyer.	X			
8	03/07/2012 4:01 pm	SJJ	MB and LE cc to JB, GT, and CWB	Draft memo regarding NHSLC's long term warehouse legal authority	X	X		X
9	03/26/2012 11:24 am	SJJ	CWB	Email with the NHSLC long term warehouse contract legal authority draft memo attached; also seeks factual information regarding how the process has worked over the years.	X	X		X
10	03/27/2012	SJJ	SS cc CWB	Email draft of Warehouse long term RFP and asking Susan to do some editing, font sizes, document clean up. Final made public		X		X
11	05/10/2012 11:54 am	SJJ	MB and LE cc CWB	Email draft regarding the legal issue of whether or not someone who is a liquor distributor can also be a warehouse Final made public		X		X
12	06/12/2012 2:51 pm	SJJ	EC	Draft outline analyzing the Law RFP		X		X
13	06/14/2012 10:33 am	SJJ	EC	Draft rough outline analyzing Exel and Hat Trick		X		X
14	06/14/2012	SJJ	CWB	Same draft outline analyzing Law RFP		X		X
15	06/15/2012 1:51 pm	CWB	EC and SJJ	draft of a notice to Vendors re questions will be sent Final made public				X
16	06/15/2012 1:51 pm	CWB	EC and SJJ	Another draft of the same notice Final made public				X
17	06/18/2012 10:22 am	PH	CWB cc SJJ	Email from Peter Hastings containing draft questions for vendors. Final made public				X
18	07/12/2012 4:56 pm	SJJ	EC	Counsel analysis tracking the various emails that have come in from Vendors.		X		
19	07/13/2012	SJJ	EC	Draft email analyzing the evaluation criteria.		X		X

No.	Date and Time	From	To	Subject	Attorney Client Privilege	Atty Work Product	Confidential	Draft
				Final made public				
20	07/13/2012 2:33 pm	SJJ	CWB	Email setting out a draft agenda of items that need to be done by the EC.		X		X
21	07/13/2012 4:37 pm	SJJ	CWB	Email setting out a draft agenda and strategy for Law's presentation		X		X
22	07/16/2012 4:55 pm	SJJ	EC cc SJJ	Email of Draft agenda for Law seeking comment from EC.		X		X
23	07/17/2012	GT	CWB	Email containing draft of Law's financial template with analysis by George. Final version made public				X
24	07/17/2012 4:03 pm	CWB	EC and SJJ	Email has same draft attachment as 23. Final made public				X
25	07/19/2012	GT	EC and SJJ	Draft Analysis of Hat Trick's financial template. Final version made public				X
26	07/19/2012 11:49 am	GT	EC and SJJ	Draft Analysis of Distributech's financial template. Final version made public				X
27	07/19/2012 11:50 am	GT	EC and SJJ	Draft Analysis of Exel's financial template. Final version made public				X
28	07/19/2012 11:51 am	GT	EC and SJJ	Draft Analysis of XTL's financial template final version made public				X
29	07/20/2012 2:25 pm	SJJ	EC	Draft email regarding potential process to resolve disagreements at the end of initial 30 month period. Final made public		X		X
30	07/23/2012 8:38 am	JB	EC and SJJ	Email in response to my email about resolving rate issues at the end of the 30 month period. Final made public				X
31	07/23/2012 8:59 am	JB	EC and SJJ	Email questioning lack of savings in Law's proposal	X			
32	07/26/2012 1:07 pm	SJJ	CWB and GT	Email draft of the notice for BAFO phase. Final BAFO notice made public		X		X
33	07/26/2012	SJJ	EC	Email with additional edits to the draft BAFO		X		X

No.	Date and Time	From	To	Subject	Attorney Client Privilege	Atty Work Product	Confidential	Draft
	4:45 pm			response. Final made public				
34	07/27/2012 4:55 pm	SJJ	CWB	Email contains the criminal background check forms previously disclosed and draft of the BAFO with some edits. Final made public		X		X
35	07/31/2012 10:33 am	SJJ	CWB	Email with the background check forms and trail discussing the draft BAFO. Final made public		X		X
36	07/31/2012	SJJ	CWB	Email discouraging Exel's efforts to start to draft a contract.		X		
37	07/31/2012	SJJ	CWB	Email regarding BAFO draft and background check forms. Same as #36 Final made public		X		X
38	08/02/2012 12:18 pm	SJJ	CWB	Email with draft document regarding costs for future IT fixes. Final made public		X		X
39	08/03/2012 12:49 pm	CWB	EC	Transmittal letter for XTL's BAFO produced separately. Completed background check forms redacted.			X	
40	08/03/2012 4:12 pm	CWB	EC and SJJ	Email with Exel's BAFO produced separately. Resumes redacted but available in hard copy.			X	
41	08/07/2012 3:29 pm	SJJ	CWB	Email analyzing standard liquor store lease and insurance coverage.		X		
42	08/07/2012 4:30 pm	SJJ	EC	outline analyzing the XTL BAFO.		X		X
43	08/07/2012 4:57 pm	SJJ	EC	Outline analyzing the Exel BAFO.		X		X
44	08/08/2012 7:52 am	CWB	EC	Email with the Bow Purchase and Sale Agmt for Exel. The email trail itself has been produced but the Purchase and Sale Agmt is redacted until closing.			X	
45	08/08/2012 2:45 pm	SJJ	CWB	Email with a draft of a message to go to Law regarding IT current and future data requirements. Final made public		X		X

No.	Date and Time	From	To	Subject	Attorney Client Privilege	Atty Work Product	Confidential	Draft
46	08/08/2012 2:55 pm	PH	CWB	Email with edits, comments on the draft regarding IT future and current data requirements. Final made public				X
47	08/08/2012 3:23 pm	SJJ	EC	Email analyzing rates in Exel's proposal, draft used in question. Final made public		X		X
48	08/08/2012	SJJ	CWB	Email with a draft of clarification to Exel on the issue of keeping the rates constant. Final made public		X		X
49	08/08/2012 4:25 pm	SJJ	CWB	Email with draft language regarding the transition bond for all the BAFOs Final made public		X		X
50	08/08/2012 4:52 pm	SJJ	EC	Email regarding an issue in the Law BAFO regarding refrigeration Final made public		X		
51	08/09/2012 9:11 am	SJJ	EC	Email commenting on Exel's BAFO clarification holding 30 month rates constant Final made public		X		
52	08/09/2012 2:00 pm	SJJ	EC	Email analyzing Hat Trick's BAFO. Final made public		X		
53	08/09/2012 3:37 pm	SJJ	EC	Peter Hastings' draft on Law's proposal as it relates to IT systems. Final made public				X
54	08/09/2012 4:48 pm	CWB	EC	Email forwarding counsel outline analyzing Law BAFO		X		
55	08/09/2012 5:08 pm	SJJ	EC	Email commenting on Law's response to question about current and future IT data requirements as draft. Final made public		X		
56	08/10/2012 8:23 am	JB	EC	Email adding additional comment to analysis of Law BAFO		X		X
57	08/15/2012	SJJ	CWB	Email regarding the strategy for Liquor Commissioners meetings with Vendors.		X		
58	08/17/2012	CWB	EC	Email Law's Master Lease.			X	
59	08/17/2012	SJJ	CWB	Email requesting follow up with Law re his		X		

No.	Date and Time	From	To	Subject	Attorney Client Privilege	Atty Work Product	Confidential	Draft
				allegation that XTL had contacted Seabrook owner. Final made public				
60	08/17/2012 10:33 pm	SJJ	CWB	Draft of a document that never got used. It was an effort to produce a document that could be released publicly before contract award, avoiding the 21-I and 91-A confidentiality issues.		X		X
61	08/20/2012	PH	SJJ and EC	Draft evaluation regarding IT issues. Final made public		X		X
62	08/20/2012 3:53 pm	SJJ	Mike, LE and EC	Draft of the 8/17 document that was intended to become public, but which was never used.		X		X
63	08/22/2012 10:51 am	SJJ	EC	Memo describing the vendor RFP exceptions.		X		X
64	08/22/2012 11:00 am	SJJ	EC	Same analysis with some additional comments		X		X
65	08/24/2012 10:07 am	PH	EC	Email with a draft of his IT evaluation. Final made public				X
66	08/24/2012 2:36 pm	CWB	EC	Transmittal email containing public trail from Exel and two attachments. The financial payback attachment is exempt, the remainder has been produced			X	
67	08/24/2012 4:07 pm	SJJ	EC	First draft of EC evaluation memorandum Final made public		X		X
68	08/27/2012	CWB	EC	Further SJJ draft of the EC evaluation memo sent to the EC with a request to have edits done.		X		X
69	08/27/2012 1:49 pm	CWB	PH, JB and GT	Email asking EC to insert tables and other technical analysis into the draft EC evaluation memo.				X
70	08/27/2012 1:50 pm	PH	EC and SJJ	Response with draft IT comments for EC evaluation memo. Final made public				X

No.	Date and Time	From	To	Subject	Attorney Client Privilege	Atty Work Product	Confidential	Draft
71	08/27/2012 3:26 pm	PH	EC and SJJ	Email with the draft IT comments in a different form. Final made public				X
72	09/06/2012	PH	EC and SJJ	email draft IT scoring data Final made public				X
73	09/07/2012	PH	EC and SJJ	email draft IT scoring data Final made public				X
74	09/07/2012	CWB	MB, LE	email with draft response to unfounded allegations made by Law on 9/4; reply from LE. Final made public on 9/10	X	X		X
75	09/12/2012	PH	EC and SJJ	email draft IT scoring data Final made public				X
76	09/12/2012	PH	EC and SJJ	email another draft IT scoring data Final made public				X
77	09/13/2012 8:12 am	MB	CWB	Email commenting on the 9/14 RFP amendment.		X		X
78	09/13/2012	SJJ	EC	Email draft analyzing RFP requirements for evaluation Final made public		X		X
79	10/10/2012 12:47 pm	CWB	MB, LE	Email re possible NHSLC ownership	X			
80	10/15/2012	PH	EC and SJJ	Draft evaluation status sheet provided by Peter Hastings. Final made public				X
81	10/17/2012	CWB	EC and SJJ	Administrative, not substantive summary of location of EC members and SJJ. Contains information about illness and personal matters.			X	
82	10/24/2012	GT	EC and SJJ	Draft analyzing financial information, but raising a couple of questions about whether or not there needs to be some further exploration of the final numbers. Final made public	X			X
83	10/24/2012 4:22 pm	SJJ	EC	Email following up on some of the draft comments that GT had in #82. Final made public		X		X
84	10/30/2012	GT	EC and SJJ	Draft financial evaluation document from George that incorporates some of the new information we have Final made public				X

No.	Date and Time	From	To	Subject	Attorney Client Privilege	Atty Work Product	Confidential	Draft
85	10/30/2012	GT	EC and SJJ	Draft financial evaluation with an error corrected Final made public				X
86	10/30/2012	JB	EC	Email providing draft concepts for EC evaluation memo regarding one bailment warehouse versus two bailment warehouses. Final made public				X
87	10/30/2012	SJJ	EC	EC evaluation memo described as a rough draft. Final made public		X		X
88	10/30/2012	SJJ	EC	Question re end of Phase I redacted		X		
89	10/30/2012 3:00 pm	SJJ	EC	Another draft of the EC evaluation memo. Final made public		X		X
90	prior to 11/02/2012	SJJ	EC, MB, and/or LE	Multiple drafts of EC evaluation memo Final made public		X		X
91	11/02/2012 1:15 pm	PH	EC and SJJ	IT scoring draft later edited for grammar. Overall scoring already produced Final made public				X
92	11/02/2012 3:45 pm	SJJ	CWB	EC evaluation memo draft. Memo attached to 3:54 PM email made public		X		X
93	After 11/07/2012 until 1/16/13	SJJ	EC, MB, and/or LE	Multiple drafts of EC evaluation memo after the memo was provided to commissioners on 11/2. The additional drafts of the memo captured information known to the EC and/or commissioners on 11/7 but not needed in 11/2 memo. These drafts were not shared with both commissioners until 1/16 Final made public		X		X
94	11/09/2012 5:06 pm	SJJ	CWB	Email with an initial draft of contract Exhibit B. Final made public		X		X
95	11/09/2012	SJJ	CWB	Email containing a final EC evaluation memo draft dated 11/07/2012 not shared with commissioners. Final made public		X		X
96	11/10/2012	SJJ	CWB	Email regarding RFP amendments which leads		X		

No.	Date and Time	From	To	Subject	Attorney Client Privilege	Atty Work Product	Confidential	Draft
	11:12 am			to 11/13 amendment. Final made public				
97	11/11/2012 3:51 pm	SJJ	CWB	Email with draft language for 11/13 amendment to the RFP. Final made public		X		X
98	11/11/2012 6:20 pm	SJJ	CWB	Email with draft of Exhibit B. final made public		X		X
99	11/11/2012 7:37 pm	SJJ	CWB	Email draft of Exhibit A for the contract. Final made public		X		X
100	11/12/2012 1:01 & 5:09 pm	SJJ	CWB, MB, LE	Emails another draft of Exhibit A to CWB. then Exhibit C draft sent to Mike, Lisa, and Craig. Final versions made public		X		X
101	11/14/2012	SJJ	Mary Sartwell	Email with some drafts to the warehouse contract award release. Final made public		X		X
102	11/19/2012	SJJ	EC	Email with a "final" EC evaluation memo draft. The message is it is beyond semi-final and is almost final, intended to capture information we have for commissioners on 11/08/2012 plus postscripts. Read it carefully, there may be some modifications before this enters public record. Draft redacted. Final made public		X		X
103	11/29/2012	SJJ	EC, Mike, and LE	Email with a redlined draft EC evaluation memo. Final made public		X		X
104	11/29/2012 5:59 pm	SJJ	GT and CWB	Email requesting an analysis of the two warehouse numbers for Hat Trick and Distributech to use in draft EC evaluation memo.		X		X
105	12/04/2012	SJJ	CWB	Email identifying information to add to the EC draft evaluation memo and to post on website. Final made public		X		X