

From: [Lynn S Anderson \(Exel US\)](#)
To: [Craig W. Bulkley](#); [Mary K. Sartwell](#)
Cc: [Scott Lyons \(EXEL CA\)](#)
Subject: RE: Revised release
Date: Tuesday, November 20, 2012 8:40:12 AM

Thank you Craig.

I'm prepared should we receive any calls, but otherwise we'll look forward to starting up these operations for the NHL. Thanks and Happy Thanksgiving to you too.

Lynn

Lynn S Anderson

614.865.8901 | office
[REDACTED]

lynn.s.anderson@exel.com

From: Craig W. Bulkley [mailto:cbulkley@liquor.state.nh.us]
Sent: Tuesday, November 20, 2012 7:04 AM
To: Lynn S Anderson (Exel US); Mary K. Sartwell
Subject: RE: Revised release

Lynn:

Thanks for the information. I am not sure how many calls I will field once the press release goes out, but I will only refer callers to you if they specifically ask to speak with someone from Exel.

Happy Thanksgiving to you and your family.



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

CONFIDENTIALITY NOTICE

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From: Lynn S Anderson (Exel US) [mailto:lynn.s.anderson@exel.com]
Sent: Monday, November 19, 2012 6:50 PM
To: Mary K. Sartwell
Cc: Craig W. Bulkley
Subject: Re: Revised release

Hi Mary,

Yes - I will be the media contact and my cell number is fine to use.

Thank you,
Lynn

Lynn S Anderson |



From: Mary K. Sartwell [mailto:mary.sartwell@liquor.state.nh.us]
Sent: Tuesday, November 20, 2012 06:18 AM
To: Lynn S Anderson (Exel US)
Cc: Craig W. Bulkley <cbulkley@liquor.state.nh.us>
Subject: RE: Revised release

Lynn, will you be the contact person for Craig if media wants to speak to someone from Exel? If so, OK to give them your cell phone number? Thanks.

Mary K. Sartwell
Director of Advertising
New Hampshire Liquor Commission
Telephone: 603-230-7087
LiquorandWineOutlets.com
facebook.com/nhliquorwine
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From: Lynn S Anderson (Exel US) [mailto:lynn.s.anderson@exel.com]
Sent: Monday, November 19, 2012 4:54 PM
To: Mary K. Sartwell
Subject: Fw: Revised release

Lynn S Anderson
614.657.2927

From: Scott Lyons (EXEL CA)
Sent: Tuesday, November 20, 2012 05:44 AM
To: Craig W. Bulkley <cbulkley@liquor.state.nh.us>

Cc: Lynn S Anderson (Exel US); Greg Foreman (EXEL US); Fred Takavitz (Exel US)
Subject: FW: Revised release

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Lynn will be our contact for media enquiries. Her contact information is listed below.

Cheers,

Scott Lyons

Telephone: 905 366-7691
[REDACTED]

From: Lynn S Anderson (Exel US)
Sent: Monday, November 19, 2012 4:13 PM
To: Scott Lyons (EXEL CA); Greg Foreman (EXEL US); Fred Takavitz (Exel US)
Subject: Revised release

Here you go. Boilerplate on Exel is now at the end, after the text of the release.

Thanks,

Lynn

Lynn S Anderson
VP Communications

Exel Supply Chain
570 Polaris Pkwy | Westerville OH 43082 | USA

614.865.8901 | office
[REDACTED]

lynn.s.anderson@exel.com

www.exel.com

From: [Lynn S Anderson \(Exel US\)](#)
To: [Mary K. Sartwell](#)
Cc: [Scott Lyons \(EXEL CA\)](#)
Subject: RE: Revised release
Date: Tuesday, November 20, 2012 8:36:57 AM

Hi Mary,

Yes, thank you. This is approved, and we'll consider this the final release.

Thanks,
Lynn

Lynn S Anderson

614.865.8901 | office
[REDACTED]

lynn.s.anderson@exel.com

From: Mary K. Sartwell [mailto:mary.sartwell@liquor.state.nh.us]
Sent: Tuesday, November 20, 2012 8:12 AM
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Subject: FW: Revised release

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From: Mary K. Sartwell
Sent: Monday, November 19, 2012 5:17 PM
To: 'Lynn S Anderson (Exel US)'; 'Scott Lyons (EXEL CA)'
Subject: RE: Revised release

Lynn & Scott, we're good with your edits. Attached is the latest version for your final review. Would you please let me know if this is approved on your end. Thanks.

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From: [Mary K. Sartwell](#)
To: ["Scott Lyons \(EXEL CA\)"; Craig W. Bulkley](#)
Cc: ["Fred Takavitz \(Exel US\)"; "Lynn S Anderson \(Exel US\)"; "Greg Foreman \(EXEL US\)"; Stephen J. Judge; John D. Bunnell; Richard Gerrish](#)
Subject: RE: Media Fact Sheet
Date: Tuesday, November 20, 2012 8:28:57 AM

Scott, thanks for your feedback. The Evaluation Committee would like to know why you wouldn't want to include in the media fact sheet that all 50 staff will be New Hampshire residents. Likewise, you previously deleted specific client names and referenced "some of the largest and most successful retail and consumer goods companies." Our thinking is that both of these questions will be asked. Would you consider including these details in the media fact sheet? If not, can Craig offer up the answers if the media asks? Or should those questions be deferred to Exel? Thanks.

Mary K. Sartwell
Director of Advertising
New Hampshire Liquor Commission
Telephone: 603-230-7087
LiquorandWineOutlets.com
facebook.com/nhliquorwine
twitter.com/nhliquorwine

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From: Scott Lyons (EXEL CA) [mailto:Scott.Lyons@exel.com]
Sent: Monday, November 19, 2012 6:16 PM
To: Mary K. Sartwell; Craig W. Bulkley
Cc: Fred Takavitz (Exel US); Lynn S Anderson (Exel US); Greg Foreman (EXEL US)
Subject: Media Fact Sheet


Thank-you for providing the fact sheet. It looks good.

We have one suggestion. The last line refers to how many people we will employ and the fact they will mostly be New Hampshire residents.

In fact, all 50 staff will be New Hampshire residents, i.e. up to the General Manager. The only non-residents will be our senior management team and subject matter experts who have responsibility for businesses across a wider geography. Rather than drawing attention to this issue we would suggest deleting the last section of this sentence. Please see the attached redline.

Cheers,
Scott Lyons

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

Telephone: 905 366-7691


www.exel.com

From: [Mary K. Sartwell](#)
To: ["Lynn S Anderson \(Exel US\)"](#)
Subject: FW: Revised release
Date: Tuesday, November 20, 2012 8:12:07 AM
Attachments: [warehouse contract award_release_11_19_12_nhlc_v4.doc](#)

Lynn, is this release approved? Thanks.

Mary K. Sartwell
Director of Advertising
New Hampshire Liquor Commission
Telephone: 603-230-7087
[LiquorandWineOutlets.com](#)
[facebook.com/nhliquorwine](#)
[twitter.com/nhliquorwine](#)



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Sent: Monday, November 19, 2012 4:54 PM
To: Mary K. Sartwell
Subject: Fw: Revised release

Lynn S Anderson
614.657.2927

From: Scott Lyons (EXEL CA)
Sent: Tuesday, November 20, 2012 05:44 AM
To: Craig W. Bulkley <cbulkley@liquor.state.nh.us>
Cc: Lynn S Anderson (Exel US); Greg Foreman (EXEL US); Fred Takavitz (Exel US)
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Thanks,
Lynn

Lynn S Anderson
VP Communications

Exel Supply Chain
570 Polaris Pkwy | Westerville OH 43082 | USA

614.865.8901 | office
[REDACTED]

lynn.s.anderson@exel.com

www.exel.com

From: [Mary K. Sartwell](#)
To: ["Jeff Eisenberg"](#); ["Kristin Hagerman"](#)
Subject: Media Contacts
Date: Tuesday, November 20, 2012 8:02:17 AM

FYI – cell phone numbers are included here.

Mary K. Sartwell
Director of Advertising
New Hampshire Liquor Commission
Telephone: 603-230-7087
LiquorandWineOutlets.com
facebook.com/nhliquorwine
twitter.com/nhliquorwine



From: Craig W. Bulkley
Sent: Tuesday, November 20, 2012 7:04 AM
To: 'Lynn S Anderson (Exel US)'; Mary K. Sartwell
Subject: RE: Revised release

Lynn:

Thanks for the information. I am not sure how many calls I will field once the press release goes out, but I will only refer callers to you if they specifically ask to speak with someone from Exel.

Happy Thanksgiving to you and your family.



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

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From: Lynn S Anderson (Exel US) [mailto:lynn.s.anderson@exel.com]
Sent: Monday, November 19, 2012 6:50 PM
To: Mary K. Sartwell
Cc: Craig W. Bulkley
Subject: Re: Revised release

Hi Mary,

Yes - I will be the media contact and my cell number is fine to use.

Thank you,
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Lynn S Anderson |



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Sent: Tuesday, November 20, 2012 06:18 AM
To: Lynn S Anderson (Exel US)
Cc: Craig W. Bulkley <cbulkley@liquor.state.nh.us >
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To: ["Lynn S Anderson \(Exel US\)"; Mary K. Sartwell](#)
Subject: RE: Revised release
Date: Tuesday, November 20, 2012 7:04:07 AM

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614.657.2927

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Sent: Tuesday, November 20, 2012 06:18 AM

To: Lynn S Anderson (Exel US)
Cc: Craig W. Bulkley <cbulkley@liquor.state.nh.us>
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Lynn S Anderson
VP Communications

Exel Supply Chain
570 Polaris Pkwy | Westerville OH 43082 | USA

614.865.8901 | office
[REDACTED]

lynn.s.anderson@exel.com

www.exel.com

From: [Lynn S Anderson \(Exel US\)](#)
To: [Mary K. Sartwell](#)
Cc: [Craig W. Bulkley](#)
Subject: Re: Revised release
Date: Monday, November 19, 2012 6:49:58 PM

Hi Mary,

Yes - I will be the media contact and my cell number is fine to use.

Thank you,
Lynn

Lynn S Anderson
[REDACTED]

From: Mary K. Sartwell [mailto:mary.sartwell@liquor.state.nh.us]
Sent: Tuesday, November 20, 2012 06:18 AM
To: Lynn S Anderson (Exel US)
Cc: Craig W. Bulkley <cbulkley@liquor.state.nh.us>
Subject: RE: Revised release

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Cc: [Fred Takavitz \(Exel US\)](#); [Lynn S Anderson \(Exel US\)](#); [Greg Foreman \(EXEL US\)](#)
Subject: Media Fact Sheet
Date: Monday, November 19, 2012 6:16:26 PM
Attachments: [warehouse contract award fact sheet 11 19 12 nhlc - Exel Comment.docx](#)

Thank-you for providing the fact sheet. It looks good.

We have one suggestion. The last line refers to how many people we will employ and the fact they will mostly be New Hampshire residents.

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L5R 3R3
Canada

Telephone: 905 366-7691



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From: [Mary K. Sartwell](#)
To: [Craig W. Bulkley](#); [Stephen J. Judge](#); [John D. Bunnell](#)
Subject: FW: Revised release
Date: Monday, November 19, 2012 5:17:44 PM
Attachments: [warehouse contract award release 11 19 12 nhlc v4.doc](#)

Hit send before I copied you.

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From: [Mary K. Sartwell](#)
To: ["Lynn S Anderson \(Exel US\)"; "Scott Lyons \(EXEL CA\)"](#)
Subject: RE: Revised release
Date: Monday, November 19, 2012 5:17:24 PM
Attachments: [warehouse contract award release 11 19 12 nhlc v4.doc](#)

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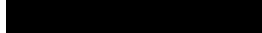
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Cc: [Craig W. Bulkley](#); [Stephen J. Judge](#); [John D. Bunnell](#); [Richard Gerrish](#)
Subject: RE: Press Release
Date: Monday, November 19, 2012 5:00:04 PM
Attachments: [warehouse contract award fact sheet 11.19.12 nhlc.doc](#)

Lynn, attached is the Media Fact Sheet. Please note that it does not include your press release edits and we're changing the contact to our advertising agency representative, who will field the calls and forward them directly to Craig Bulkley. Thanks.

Mary K. Sartwell
Director of Advertising
New Hampshire Liquor Commission
Telephone: 603-230-7087
[LiquorandWineOutlets.com](#)
[facebook.com/nhliquorwine](#)
[twitter.com/nhliquorwine](#)



Please consider the environment before printing this e-mail.

From: Lynn S Anderson (Exel US) [mailto:lynn.s.anderson@exel.com]
Sent: Monday, November 19, 2012 9:09 AM
To: Mary K. Sartwell
Subject: RE: Press Release

Thanks Mary,

If you could send the release my way when it is ready, we'll work to get a quote back to you right away.

Best Regards,
Lynn

Lynn S Anderson
VP Communications

Exel Supply Chain
570 Polaris Pkwy | Westerville OH 43082 | USA

614.865.8901 | office
[REDACTED]

lynn.s.anderson@exel.com

www.exel.com

From: Mary K. Sartwell [mailto:mary.sartwell@liquor.state.nh.us]
Sent: Friday, November 16, 2012 4:17 PM
To: Scott Lyons (EXEL CA); Craig W. Bulkley
Cc: Fred Takavitz (Exel US); Lynn S Anderson (Exel US); John D. Bunnell; Stephen J. Judge
Subject: RE: Press Release

Lynn, I just left you a voicemail in the office that we're looking for a quote from Exel for our press release. I expect to have a revised draft on Monday morning that I can send to you. Have a nice weekend.

Mary K. Sartwell

Director of Advertising
New Hampshire Liquor Commission
Telephone: 603-230-7087
LiquorandWineOutlets.com
facebook.com/nhliquorwine
twitter.com/nhliquorwine



Please consider the environment before printing this e-mail.

From: Scott Lyons (EXEL CA) [mailto:Scott.Lyons@exel.com]
Sent: Friday, November 16, 2012 2:58 PM
To: Craig W. Bulkley
Cc: Mary K. Sartwell; Fred Takavitz (Exel US); Lynn S Anderson (Exel US)
Subject: RE: Press Release

You can reach Lynn Anderson at:

- 614 865-8901 (office |
| [REDACTED])
- Email listed above

Cheers,
Scott Lyons

Telephone: 905 366-7691
[REDACTED]

From: Craig W. Bulkley [mailto:cbulkley@liquor.state.nh.us]
Sent: Friday, November 16, 2012 2:49 PM
To: Scott Lyons (EXEL CA)
Cc: Mary K. Sartwell
Subject: Press Release

Scott:

Mary Sartwell handles our PR and press releases. She would like to speak with the appropriate person at your end as soon as possible. Please pass the contact information on to her. Thanks.



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

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From: [Lynn S Anderson \(Exel US\)](#)
To: [Mary K. Sartwell](#)
Subject: Fw: Revised release
Date: Monday, November 19, 2012 4:54:39 PM
Attachments: [warehouse contract award_release_11_19_12_nhlc_v3.doc](#)

Lynn S Anderson
614.657.2927

From: Scott Lyons (EXEL CA)
Sent: Tuesday, November 20, 2012 05:44 AM
To: Craig W. Bulkley <cbulkley@liquor.state.nh.us>
Cc: Lynn S Anderson (Exel US); Greg Foreman (EXEL US); Fred Takavitz (Exel US)
Subject: FW: Revised release

Here are our suggested changes to the press release. Please give me a call if there are any questions.

The main changes include putting our standard boilerplate on Exel at the end of the release and correspondingly taking mention of Deutsch Post out of the main body. We would also prefer not to mention specific customer's names.

Lynn will be our contact for media enquiries. Her contact information is listed below.

Cheers,

Scott Lyons

Telephone: 905 366-7691

From: Lynn S Anderson (Exel US)
Sent: Monday, November 19, 2012 4:13 PM
To: Scott Lyons (EXEL CA); Greg Foreman (EXEL US); Fred Takavitz (Exel US)
Subject: Revised release

Here you go. Boilerplate on Exel is now at the end, after the text of the release.

Thanks,

Lynn

Lynn S Anderson
VP Communications

Exel Supply Chain
570 Polaris Pkwy | Westerville OH 43082 | USA

614.865.8901 | office
[REDACTED]

lynn.s.anderson@exel.com

www.exel.com

From: [Craig W. Bulkley](#)
To: [Mary K. Sartwell](#)
Subject: FW: Revised release
Date: Monday, November 19, 2012 4:49:52 PM
Attachments: [warehouse contract award release 11 19 12 nhlc v3.doc](#)



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

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From: Scott Lyons (EXEL CA) [mailto:Scott.Lyons@exel.com]
Sent: Monday, November 19, 2012 4:44 PM
To: Craig W. Bulkley
Cc: Lynn S Anderson (Exel US); Greg Foreman (EXEL US); Fred Takavitz (Exel US)
Subject: FW: Revised release

Here are our suggested changes to the press release. Please give me a call if there are any questions.

The main changes include putting our standard boilerplate on Exel at the end of the release and correspondingly taking mention of Deutsch Post out of the main body. We would also prefer not to mention specific customer's names.

Lynn will be our contact for media enquiries. Her contact information is listed below.

Cheers,

Scott Lyons

Telephone: 905 366-7691
[REDACTED]

From: Lynn S Anderson (Exel US)
Sent: Monday, November 19, 2012 4:13 PM
To: Scott Lyons (EXEL CA); Greg Foreman (EXEL US); Fred Takavitz (Exel US)
Subject: Revised release

Here you go. Boilerplate on Exel is now at the end, after the text of the release.

Thanks,

Lynn

Lynn S Anderson
VP Communications

Exel Supply Chain
570 Polaris Pkwy | Westerville OH 43082 | USA

614.865.8901 | office
[REDACTED]

lynn.s.anderson@exel.com

www.exel.com

From: [Mary K. Sartwell](#)
To: ["Lynn S Anderson \(Exel US\)"; "Scott Lyons \(EXEL CA\)"](#)
Cc: [Craig W. Bulkley](#); [John D. Bunnell](#); [Stephen J. Judge](#); [Richard Gerrish](#)
Subject: RE: Press Release
Date: Monday, November 19, 2012 12:41:12 PM
Attachments: [warehouse contract award release 11.19.12_nhlc.doc](#)

Lynn & Scott, attached is the draft release for your review and input. Thanks.

Mary K. Sartwell
Director of Advertising
New Hampshire Liquor Commission
Telephone: 603-230-7087
[LiquorandWineOutlets.com](#)
[facebook.com/nhliquorwine](#)
[twitter.com/nhliquorwine](#)

 Please consider the environment before printing this e-mail.

From: Lynn S Anderson (Exel US) [mailto:lynn.s.anderson@exel.com]
Sent: Monday, November 19, 2012 9:09 AM
To: Mary K. Sartwell
Subject: RE: Press Release

Thanks Mary,

If you could send the release my way when it is ready, we'll work to get a quote back to you right away.

Best Regards,
Lynn

Lynn S Anderson
VP Communications

Exel Supply Chain
570 Polaris Pkwy | Westerville OH 43082 | USA

614.865.8901 | office


lynn.s.anderson@exel.com

www.exel.com

From: Mary K. Sartwell [mailto:mary.sartwell@liquor.state.nh.us]
Sent: Friday, November 16, 2012 4:17 PM
To: Scott Lyons (EXEL CA); Craig W. Bulkley
Cc: Fred Takavitz (Exel US); Lynn S Anderson (Exel US); John D. Bunnell; Stephen J. Judge
Subject: RE: Press Release

Lynn, I just left you a voicemail in the office that we're looking for a quote from Exel for our press release. I expect to have a revised draft on Monday morning that I can send to you. Have a nice weekend.

Mary K. Sartwell
Director of Advertising
New Hampshire Liquor Commission

Telephone: 603-230-7087
LiquorandWineOutlets.com
facebook.com/nhliquorwine
twitter.com/nhliquorwine



Please consider the environment before printing this e-mail.

From: Scott Lyons (EXEL CA) [mailto:Scott.Lyons@exel.com]
Sent: Friday, November 16, 2012 2:58 PM
To: Craig W. Bulkley
Cc: Mary K. Sartwell; Fred Takavitz (Exel US); Lynn S Anderson (Exel US)
Subject: RE: Press Release

You can reach Lynn Anderson at:

- 614 865-8901 (office)
- [REDACTED]
- Email listed above

Cheers,
Scott Lyons

Telephone: 905 366-7691
[REDACTED]

From: Craig W. Bulkley [mailto:cbulkley@liquor.state.nh.us]
Sent: Friday, November 16, 2012 2:49 PM
To: Scott Lyons (EXEL CA)
Cc: Mary K. Sartwell
Subject: Press Release

Scott:

Mary Sartwell handles our PR and press releases. She would like to speak with the appropriate person at your end as soon as possible. Please pass the contact information on to her. Thanks.



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

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From: [Lynn S Anderson \(Exel US\)](#)
To: [Mary K. Sartwell](#)
Subject: RE: Press Release
Date: Monday, November 19, 2012 9:08:58 AM

Thanks Mary,

If you could send the release my way when it is ready, we'll work to get a quote back to you right away.

Best Regards,
Lynn

Lynn S Anderson
VP Communications

Exel Supply Chain
570 Polaris Pkwy | Westerville OH 43082 | USA

614.865.8901 | office
[REDACTED]

lynn.s.anderson@exel.com

www.exel.com

From: Mary K. Sartwell [<mailto:mary.sartwell@liquor.state.nh.us>]
Sent: Friday, November 16, 2012 4:17 PM
To: Scott Lyons (EXEL CA); Craig W. Bulkley
Cc: Fred Takavitz (Exel US); Lynn S Anderson (Exel US); John D. Bunnell; Stephen J. Judge
Subject: RE: Press Release

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Mary K. Sartwell
Director of Advertising
New Hampshire Liquor Commission
Telephone: 603-230-7087
LiquorandWineOutlets.com
facebook.com/nhliquorwine
twitter.com/nhliquorwine

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From: Scott Lyons (EXEL CA) [<mailto:Scott.Lyons@exel.com>]
Sent: Friday, November 16, 2012 2:58 PM
To: Craig W. Bulkley
Cc: Mary K. Sartwell; Fred Takavitz (Exel US); Lynn S Anderson (Exel US)
Subject: RE: Press Release

You can reach Lynn Anderson at:

- 614 865-8901 (office)
- [REDACTED]
- Email listed above

Cheers,
Scott Lyons

Telephone: 905 366-7691
[REDACTED]

From: Craig W. Bulkley [mailto:cbulkley@liquor.state.nh.us]
Sent: Friday, November 16, 2012 2:49 PM
To: Scott Lyons (EXEL CA)
Cc: Mary K. Sartwell
Subject: Press Release

Scott:

Mary Sartwell handles our PR and press releases. She would like to speak with the appropriate person at your end as soon as possible. Please pass the contact information on to her. Thanks.



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

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From: [Mary K. Sartwell](#)
To: ["Scott Lyons \(EXEL CA\)"; Craig W. Bulkley](#)
Cc: ["Fred Takavitz \(Exel US\)"; "Lynn S Anderson \(Exel US\)"; John D. Bunnell; Stephen J. Judge](#)
Subject: RE: Press Release
Date: Friday, November 16, 2012 4:17:05 PM

Lynn, I just left you a voicemail in the office that we're looking for a quote from Exel for our press release. I expect to have a revised draft on Monday morning that I can send to you. Have a nice weekend.

Mary K. Sartwell
Director of Advertising
New Hampshire Liquor Commission
Telephone: 603-230-7087
LiquorandWineOutlets.com
facebook.com/nhliquorwine
twitter.com/nhliquorwine

 Please consider the environment before printing this e-mail.

From: Scott Lyons (EXEL CA) [mailto:Scott.Lyons@exel.com]
Sent: Friday, November 16, 2012 2:58 PM
To: Craig W. Bulkley
Cc: Mary K. Sartwell; Fred Takavitz (Exel US); Lynn S Anderson (Exel US)
Subject: RE: Press Release

You can reach Lynn Anderson at:

- 614 865-8901 (office)
- [REDACTED]
- Email listed above

Cheers,
Scott Lyons

Telephone: 905 366-7691
[REDACTED]

From: Craig W. Bulkley [mailto:cbulkley@liquor.state.nh.us]
Sent: Friday, November 16, 2012 2:49 PM
To: Scott Lyons (EXEL CA)
Cc: Mary K. Sartwell
Subject: Press Release

Scott:

Mary Sartwell handles our PR and press releases. She would like to speak with the appropriate person at your end as soon as possible. Please pass the contact information on to her. Thanks.

 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

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From: [Scott Lyons \(EXEL CA\)](#)
To: [Craig W. Bulkley](#)
Cc: [Mary K. Sartwell](#); [Fred Takavitz \(Exel US\)](#); [Lynn S Anderson \(Exel US\)](#)
Subject: RE: Press Release
Date: Friday, November 16, 2012 2:58:07 PM

You can reach Lynn Anderson at:

- 614 865-8901 (office)
- [REDACTED]
- Email listed above

Cheers,
Scott Lyons

Telephone: 905 366-7691
[REDACTED]

From: Craig W. Bulkley [mailto:cbulkley@liquor.state.nh.us]
Sent: Friday, November 16, 2012 2:49 PM
To: Scott Lyons (EXEL CA)
Cc: Mary K. Sartwell
Subject: Press Release

Scott:

Mary Sartwell handles our PR and press releases. She would like to speak with the appropriate person at your end as soon as possible. Please pass the contact information on to her. Thanks.



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

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From: [Craig W. Bulkley](#)
To: ["Scott Lyons \(EXEL CA\) \(Scott.Lyons@exel.com\)"](#)
Cc: [Mary K. Sartwell](#)
Subject: Press Release
Date: Friday, November 16, 2012 2:49:26 PM

Scott:

Mary Sartwell handles our PR and press releases. She would like to speak with the appropriate person at your end as soon as possible. Please pass the contact information on to her. Thanks.



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

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From: [Craig W. Bulkley](#)
To: [Kelly M. Mathews](#)
Subject: RE: Personnel Information
Date: Thursday, November 15, 2012 9:31:22 AM

Kelly - thanks for the quick turn-around.

From: Kelly M. Mathews
Sent: Thu 11/15/2012 9:26 AM
To: Craig W. Bulkley
Subject: Personnel Information

Hi Craig,

Per your request please see attached list of our Warehouse personnel.

If you need anything else please let me know.

Kelly

Kelly M. Mathews

Human Resources Administrator

The New Hampshire Liquor Commission

HR Tel: 603-230-7052 Fax: 603-271-8540

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From: [Craig W. Bulkley](#)
To: [Tina Demers](#)
Subject: RE: P-37 1-09.doc
Date: Thursday, November 15, 2012 9:11:42 AM

Tina - thanks for your help with the amendment yesterday - much appreciated.

From: Tina Demers
Sent: Wed 11/14/2012 9:12 AM
To: Craig W. Bulkley
Subject: P-37 1-09.doc

Removed the extra page for you.

From: [Craig W. Bulkley](#)
To: [Craig W. Bulkley](#)
Cc: [Stephen J. Judge: "Judge, Steve"](#)
Subject: Warehouse MFR
Date: Monday, November 12, 2012 5:22:49 PM

I contacted Chairman Mollica and Commissioner Milligan at home a few minutes ago to get their permission to post two amendments to the Warehouse Services RFP that will be dated November 13, 2012. They both concurred.

November 13, 2012 – CLARIFICATIONS AND AMENDMENTS:

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 3.0.1, Page 19 of the Warehouse Services RFP, by adding a new sentence at the end of the section. "A Vendor may change the proposed location of its warehouse, provided however, that no such change shall be allowed once a Best and Final Offer (BAFO) has been requested."

Pursuant to Section 1.2, Page 4, the NHSLC has sole discretion to change the Schedule of Events including binding deadlines. The Schedule of Events contained in Section 1.2, is amended to change "on or before September 1, 2013," to "on or before October 31, 2013." Strike in its entirety, the sentence "September 1 – October 31, 2013 – Period reserved, if necessary, for contingencies."



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

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From: [Kristin Hagerman](#)
To: [Jeff Eisenberg](#); [Mary K. Sartwell](#)
Cc: sjudge@wadleighlaw.com; [Craig W. Bulkley](#); [Richard Gerrish](#)
Subject: RE: Warehouse Contract PR
Date: Friday, November 09, 2012 10:42:45 AM

I have read the email below and agree to the confidentiality requirements.

Thank you,

Kristin Hagerman
Account Executive
(603) 647-8606 x209



Eisenberg,Vital & Ryze Advertising
155 Dow Street, Suite 101
Manchester, NH 03101

From: Jeff Eisenberg
Sent: Tuesday, November 06, 2012 4:32 PM
To: Mary K. Sartwell; Kristin Hagerman
Cc: sjudge@wadleighlaw.com; [Craig W. Bulkley](#); [Richard Gerrish](#)
Subject: RE: Warehouse Contract PR

I understand and agree to comply with these confidentiality requirements.

Jeff Eisenberg

From: Mary K. Sartwell [<mailto:mary.sartwell@liquor.state.nh.us>]
Sent: Tuesday, November 06, 2012 4:17 PM
To: Jeff Eisenberg; Kristin Hagerman
Cc: sjudge@wadleighlaw.com; [Craig W. Bulkley](#); [Richard Gerrish](#)
Subject: Warehouse Contract PR

Jeff & Kristin, to confirm our agreement at the beginning of our meeting this morning, this is to reiterate that any information including e-mails, files transmitted and meeting notes regarding this public relations project are strictly confidential and should not be discussed with or shared with any party other than the authorized members of the New Hampshire Liquor Commission without prior approval from the New Hampshire Liquor Commission. Until further notice, I will be your sole contact with the New Hampshire Liquor Commission. In addition, you agreed to limit dissemination of this information within your firm to only those who have a need to know and who are directly working on the project. Both of you need to respond to this e-mail with your understanding and acceptance of this requirement. Thank you for your attention to this matter.

Mary K. Sartwell
Director of Advertising

New Hampshire Liquor Commission
E-mail: mary.sartwell@liquor.state.nh.us
Telephone: 603-230-7087
Fax: 603-271-8540
LiquorandWineOutlets.com
facebook.com/nhliquorwine
twitter.com/nhliquorwine

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From: [Mary K. Sartwell](#)
To: "[Jeff Eisenberg \(jeffe@evradvertising.com\)](#)"; "[Kristin Hagerman](#)"
Cc: [Stephen J. Judge](#); [Craig W. Bulkley](#)
Subject: Press Release Info
Date: Thursday, November 08, 2012 4:50:11 PM

Jeff & Kristin, the vendor to include in the warehouse contract press release is Exel-NH. You can read about the company on their website at exel.com. Thanks.

Mary K. Sartwell
Director of Advertising
New Hampshire Liquor Commission
E-mail: mary.sartwell@liquor.state.nh.us
Telephone: 603-230-7087
Fax: 603-271-8540
LiquorandWineOutlets.com
facebook.com/nhliquorwine
twitter.com/nhliquorwine

Please do not print this email unless necessary

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From: [Craig W. Bulkley](#)
To: [George P. Tsiopras](#); "[Hastings, Peter](#)"
Cc: [John D. Bunnell](#); "[Hastings, Peter](#)"; [Stephen J. Judge](#); "[Judge, Steve](#)"
Subject: Exel
Date: Thursday, November 08, 2012 3:38:09 PM

George and Peter –

This morning we received the green light from the Commissioners to proceed contract negotiations with Exel. We extended an offer to Exel this afternoon to enter into contract negotiations. We were in and out of intense discussions with Exel all day getting clarifications and insuring we had all the bases covered before inviting them to take the next step.

We have secured an invitation for Peter to tour the Exel IT facility in Mechanicsburg, PA in the next few days. Ron Jones may go if he is able.

Steve and I will start those negotiations via telephone tomorrow at 10 AM. If you are available and want to sit in on some of the discussion, the phone number is: 877-777-1345; Passcode – 65064697. Peter – you are welcome to join us here or listen in from your office. It would be better if you were here with us if you can arrange it.

Scott Lyons, Robert MacLellan and Fred Takavitz will be on the call and possibly one of their attorneys.



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

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From: [Joseph W. Mollica](#)
To: [Craig W. Bulkley](#)
Subject: RE: Draft Evaluation Data Sheet
Date: Thursday, November 08, 2012 12:51:48 PM


Thank you Craig...Joe M

From: Craig W. Bulkley
Sent: Wednesday, November 07, 2012 3:36 PM
To: Joseph W. Mollica
Subject: Draft Evaluation Data Sheet

Joe:

Here is the most recent draft of the Evaluation Committee's assessment of our vendors. This was in your draft report sent on Friday, but you may have had problems opening the document.

 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

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From: [Jeff Eisenberg](#)
To: [Mary K. Sartwell](#); [Kristin Hagerman](#)
Cc: sjudge@wadleighlaw.com; [Craig W. Bulkley](#); [Richard Gerrish](#)
Subject: RE: Warehouse Contract PR
Date: Tuesday, November 06, 2012 4:32:25 PM

I understand and agree to comply with these confidentiality requirements.

Jeff Eisenberg

From: Mary K. Sartwell [mailto:mary.sartwell@liquor.state.nh.us]
Sent: Tuesday, November 06, 2012 4:17 PM
To: Jeff Eisenberg; Kristin Hagerman
Cc: sjudge@wadleighlaw.com; Craig W. Bulkley; Richard Gerrish
Subject: Warehouse Contract PR

Jeff & Kristin, to confirm our agreement at the beginning of our meeting this morning, this is to reiterate that any information including e-mails, files transmitted and meeting notes regarding this public relations project are strictly confidential and should not be discussed with or shared with any party other than the authorized members of the New Hampshire Liquor Commission without prior approval from the New Hampshire Liquor Commission. Until further notice, I will be your sole contact with the New Hampshire Liquor Commission. In addition, you agreed to limit dissemination of this information within your firm to only those who have a need to know and who are directly working on the project. Both of you need to respond to this e-mail with your understanding and acceptance of this requirement. Thank you for your attention to this matter.

Mary K. Sartwell
Director of Advertising
New Hampshire Liquor Commission
E-mail: mary.sartwell@liquor.state.nh.us
Telephone: 603-230-7087
Fax: 603-271-8540
LiquorandWineOutlets.com
facebook.com/nhliquorwine
twitter.com/nhliquorwine

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From: [Mary K. Sartwell](#)
To: "[Jeff Eisenberg \(jeffe@evradvertising.com\)](#)"; "[Kristin Hagerman](#)"
Cc: "[Steve Judge \(sjudge@wadleighlaw.com\)](#)"; [Craig W. Bulkley](#); [Richard Gerrish](#)
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Date: Tuesday, November 06, 2012 4:16:56 PM

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Fax: 603-271-8540
LiquorandWineOutlets.com
facebook.com/nhliquorwine
twitter.com/nhliquorwine

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From: [Craig W. Bulkley](#)
To: [Craig W. Bulkley](#); ["Hastings, Peter"](#); [George P. Tsiopras](#); ["Judge, Steve"](#); [John D. Bunnell](#); [Stephen J. Judge](#)
Subject: EC Meeting Final Prep for meeting with Commissioners

From: Anne Bogart
Sent: Tuesday, November 06, 2012 11:12 AM
To: Craig W. Bulkley
Subject: heads up

Hi,

Joe is still sick. He is planning to come in tomorrow for the commission meeting, but I'm not sure how long he is going to stay. I'm not sure if he'll be in the rest of the week either. I will know better tomorrow, but I'm afraid that will be too late for you.

So – heads up!

Anne Bogart
Administrative Assistant
Office of the Commissioners
NH State Liquor Commission
50 Storrs St, PO Box 503
Concord, NH 03302-0503
HYPERLINK "mailto:abogart@liquor.state.nh.us" abogart@liquor.state.nh.us
(603) 230-7005
(603) 271-1107, fax

From: [Michael R. Milligan](#)
To: [Craig W. Bulkley](#); [Joseph W. Mollica](#)
Cc: [George P. Tsiopras](#); [John D. Bunnell](#); "[Hastings, Peter](#)"; [Stephen J. Judge](#); "[Judge, Steve](#)"
Subject: RE: Final Evaluation Draft 11-2-12PM - Addendum
Date: Tuesday, November 06, 2012 10:13:01 AM

Craig,

I have read and understand the draft document.

Thank you to everyone that worked hard to prepare the draft.

Mike

From: Craig W. Bulkley
Sent: Friday, November 02, 2012 3:58 PM
To: Joseph W. Mollica; Michael R. Milligan
Cc: George P. Tsiopras; John D. Bunnell; Hastings, Peter; Stephen J. Judge; Judge, Steve
Subject: FW: Final Evaluation Draft 11-2-12PM - Addendum

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Cc: sjudge@wadleighlaw.com; Stephen J. Judge
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To: [Craig W. Bulkley](#); [Joseph W. Mollica](#)
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Subject: FW: Final Evaluation Draft 11-2-12PM - Addendum
Date: Friday, November 02, 2012 3:57:43 PM
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From: [Stephen J. Judge](#)
To: ["Louis Cerone"](#); [Craig W. Bulkley](#)
Cc: ["jbianco@biancopa.com"](#); [""acerone" \(acerone@xtlonline.com\)"](#)
Subject: RE: BAFO follow-up
Date: Friday, November 02, 2012 11:51:14 AM
Importance: High

Dear Louis,

I am just the lawyer but I am the only one here at the moment. Can you explain to me the difference between

1. XTL-NH will provide receiving, storage, and accessorial services by December 18, 2013.

2. XTL-NH will have a fully functioning warehouse as required by January 12, 2014. Perhaps I will understand better if you describe what the incumbent will be responsible for between December 18 and January 12. Is it distribution?

Am I correct to understand that XTL will be responsible for transition costs incurred if XTL is not ready to go on January 12, 2014 but will not be responsible for costs prior to that date? As you will recall, the incumbent has agreed to a six month extension on the current contract but would not commit to rates. Two and a half months of rate exposure is a factor we need to get our arms around.

Please respond ASAP and in any event by 2 today.

Please also acknowledge receipt.

Thanks,

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
E-mail: sjudge@wadleighlaw.com
E-mail: stephen.j.judge@liquor.state.nh.us

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From: Louis Cerone [mailto:lcerone@xtlonline.com]

Sent: Thursday, November 01, 2012 2:34 PM
To: Craig W. Bulkley; Stephen J. Judge
Subject: BAFO follow-up

Attorney Judge and Mr. Bulkley,

This e-mail is a follow-up to our telephone conversation on October 31, 2012. Based on our conversation, and after conversations with **all** of our domestic and international suppliers, and our construction company, Aho Construction, XTL-NH submits the following information:

1. XTL-NH will provide receiving, storage, and accessorial services by December 18, 2013.
2. XTL-NH will have a fully functioning warehouse as required by January 12, 2014.
3. Accordingly, XTL-NH's revised BAFO pricing for the one warehouse scenario for the first thirty (30) month period is \$26,484,586.
4. XTL-NH will spread the additional cost **over the entire twenty (20) year term of the contract**, rather than limit this additional cost recovery to the first thirty (30) month period.
5. XTL-NH converted the additional cost to a "cents per case" rate, and this rate equates to two cents (\$0.02) per case. In regards to the rate template, XTL-NH would apply the additional two cents (\$0.02) per case rate to the Automatic Order line item within the Outbound Summary section of the rate template. Specifically, the revised rate for this line item would increase from \$0.12 per case to \$0.14 per case and should be reflected in Cell V39.
6. In accordance with the RFP and our previous supplied responses, XTL-NH reaffirms that it will provide a transitional bond in an amount to be mutually agreed upon.

I hope this answers all of the NHSLC's questions. Please let me know if I can provide any additional information to the NHSLC.

Please confirm receipt.

Thank you.

Sincerely,

Louis J. Cerone, Ph.D.
President
XTL, Inc.
3200 South 70th Street
Philadelphia, PA 19153
215-365-6200 ext. 159
lcerone@xtlonline.com

From: [Mary K. Sartwell](#)
To: "[Kristin Hagerman](#)"
Subject: RE: Long-Term Warehouse Services Contract Public Relations
Date: Thursday, November 01, 2012 4:40:19 PM

Fantastic – thanks. I'm going to schedule the meeting for 10:00. Is that OK with you? John asked me to invite Craig and Steve Judge, our lawyer. Or do you think we should make it 9:45?

Mary K. Sartwell
Director of Advertising
New Hampshire Liquor Commission
Telephone: 603-230-7087
LiquorandWineOutlets.com
facebook.com/nhliquorwine
twitter.com/nhliquorwine



Please consider the environment before printing this e-mail.

From: Kristin Hagerman [mailto:KristinH@evradvertising.com]
Sent: Thursday, November 01, 2012 4:29 PM
To: Mary K. Sartwell
Subject: RE: Long-Term Warehouse Services Contract Public Relations

Hi Mary,

I just met with Jeff about the project. As I expected, he is excited to work on the project with me.

Deb will be sending you a quote by end of day tomorrow.

Jeff and I are both looking forward to meeting on Tuesday after our weekly advertising meeting to review the RFP process and discuss messaging.

Kristin

From: Mary K. Sartwell [mailto:mary.sartwell@liquor.state.nh.us]
Sent: Thursday, November 01, 2012 11:30 AM
To: Alan Zavorotny; Kristin Hagerman
Cc: Richard Gerrish
Subject: Long-Term Warehouse Services Contract Public Relations

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The New Hampshire Liquor Commission will be signing its long-term, 20-year warehouse services contract on or about November 14, 2012. Would you please provide a PR quote for the scope of work outlined below:

- Participate in meeting at NHLC to review RFP process and discuss press release messaging
- Write press release announcing contract award, based on attached draft
- Develop NHLC talking points and FAQs

- Develop New Hampshire media list
- Distribute press release and follow up with media outlets to secure coverage
- Provide background to and coordinate NHLC interviews with media outlets
- Be available for consultation during the month of November
- Report to NHLC all earned media coverage

We'd like to schedule the initial meeting next week and need the press release ready to go on or about November 14, so we're looking for a quick turnaround on the quote. Thanks and please let me know if you have any questions.

Mary K. Sartwell
Director of Advertising
New Hampshire Liquor Commission
E-mail: mary.sartwell@liquor.state.nh.us
Telephone: 603-230-7087
Fax: 603-271-8540
LiquorandWineOutlets.com
facebook.com/nhliquorwine
twitter.com/nhliquorwine



Please consider the environment before printing this e-mail.

From: [Mary K. Sartwell](#)
To: ["Alan Zavorotny"; "Kristin Hagerman"](#)
Cc: [Richard Gerrish](#)
Subject: Long-Term Warehouse Services Contract Public Relations
Date: Thursday, November 01, 2012 11:30:29 AM
Attachments: [Long-Term Warehouse RFP Press Release Draft NHLC 11.01.12.pdf](#)

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Mary K. Sartwell
Director of Advertising
New Hampshire Liquor Commission
E-mail: mary.sartwell@liquor.state.nh.us
Telephone: 603-230-7087
Fax: 603-271-8540

LiquorandWineOutlets.com
facebook.com/nhliquorwine
twitter.com/nhliquorwine



Please consider the environment before printing this e-mail.

From: [Joseph W. Mollica](#)
To: [Craig W. Bulkley](#)
Subject: Tentative: Warehouse Eval Committee & Commissioners - Eval Committee Report

From: [Stephen J. Judge](mailto:Stephen.J.Judge)
To: [George P. Tsiopras](mailto:George.P.Tsiopras); [John D. Bunnell](mailto:John.D.Bunnell); [Craig W. Bulkley](mailto:Craig.W.Bulkley); [Hastings, Peter](mailto:Hastings.Peter)
Cc: [Stephen J. Judge](mailto:Stephen.J.Judge)
Subject: FW: Contract Extension
Date: Monday, October 29, 2012 11:40:52 AM

Note that XTL will spread cost over term of contract

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
E-mail: sjudge@wadleighlaw.com
E-mail: stephen.j.judge@liquor.state.nh.us

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From: Jim Bianco [mailto:jbianco@biancopa.com]
Sent: Friday, October 26, 2012 4:49 PM
To: Stephen J. Judge
Cc: acerone@XTLonline.com; Icerone@XTLonline.com; [Craig W. Bulkley](mailto:Craig.W.Bulkley)
Subject: RE: Contract Extension

Dear Steve,

Thank you for your most recent e-mail correspondence.

After consultation with Anthony and Louis Cerone, XTL-NH wants to be as cooperative with and responsive to the NHSLC as possible; however, we are unable to provide the NHSLC with a more precise estimation of the additional production costs at this time. As we previously stated to the NHSLC, because of the delay in making the award of the contract, XTL-NH has lost its production slot with its suppliers. The suppliers will not provide us with an exact number for the additional cost necessary to get back into production until the contract is awarded and they have received a non-refundable deposit for the purchase order. Once the award is made on November 14, 2012, members of the XTL-NH team will immediately travel to Austria to meet with the suppliers in person to renegotiate the production timeframes and costs. We will use our best efforts to achieve the fastest delivery time for the lowest price to best meet the needs of the NHSLC.

Whatever the cost may be, it can and will be spread out over the twenty (20) year life of the contract.

Please let me know if I can provide any additional information, or if you would like to discuss this further in more detail.

Sincerely,

Jim

James J. Bianco, Jr., Esquire
Bianco Professional Association
Attorneys at Law
18 Centre Street
Concord, NH 03301
Phone: (603) 225-7170
Fax: (603) 226-0165
jbianco@biancopa.com
www.biancopa.com

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From: Stephen J. Judge [<mailto:stephen.j.judge@liquor.state.nh.us>]
Sent: Thursday, October 25, 2012 4:40 PM
To: Jim Bianco
Cc: acerone@XTLonline.com; icerone@XTLonline.com; Craig W. Bulkley
Subject: Contract Extension

Dear Jim,

I am subbing for Craig while he is out of the office. We are finalizing our analysis of the proposals. I understand from the email below that it is difficult to give us a specific figure for the extra cost that will be incurred for the later contract date.

Is it possible to narrow the figure at all?

Whatever the final figure may be, does the entire amount need to be recovered in the first 30 month period of the contract? Is there an alternative to spread the figure out over the life of the contract?

Thanks,

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
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E-mail: stephen.j.judge@liquor.state.nh.us

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Mr. Bulkley,

This e-mail is in response to the NHSLC's question regarding whether there would be an increase in XTL-NH's costs if the NHSLC extended the contract award deadline to November 14, 2012.

XTL-NH is very excited about forming a long-term partnership with the NHSLC and to provide the State of New Hampshire not only with an innovative automated warehouse and efficient distribution/order fulfillment system, but also substantial cost savings and increased revenue over the full term of the contract.

XTL-NH wants to collaboratively work with the NHSLC as much as we can; however, as you can imagine, if the contract award deadline is extended until November 14, 2012, XTL-NH would incur increased production costs at the hands of our suppliers. Our suppliers have informed us that with an extension of the award deadline into November 2012, XTL-NH will lose its current production slots. In order to get back into our suppliers' production line, XTL-NH will have to incur additional costs, which our suppliers estimate to be in the \$2.3 million - \$2.8 million range. We were unable to obtain an exact figure from our suppliers at this time, as it depends on many variables that are presently unknown, which could include, but are not limited to:

- Vendor expedite up-charges
- Overtime cost for manufacturing labor
- Air freight for materials
- Travel costs from Austria for additional crew members
- Shift differential for 2nd shift installation labor
- Overtime costs for installation labor

If our production costs increase, XTL-NH's proposed rates could also increase. As you can appreciate, it is difficult for XTL-NH to expend a substantial sum of non-refundable money without being awarded the contract.

Further, our suppliers have informed us that once the contract is awarded, and once XTL-NH puts down a non-refundable deposit for the purchase order, delivery is expected to be within 16-18 months. Therefore, the final delivery date will be well past the RFP's current October 31, 2013 deadline. We anticipate that if the contract is awarded on November 14, 2012,

XTL-NH will not be able to start distribution and order fulfillment until April 1, 2014.

We hope that the NHSLC does not have to extend the contract award deadline. If the NHSLC awards the contract by the current deadline of September 12, 2012 to XTL-NH, XTL-NH's pricing and anticipated production schedule for the one warehouse scenario, as we have discussed, will not change. If the NHSLC would like to pursue the two warehouse scenario, XTL-NH would continue to discuss the details of this scenario with the NHSLC.

Please let me know if I can provide any additional information, or if you would like to discuss this further in more detail.

Sincerely,

Louis J. Cerone, Ph.D.
President
XTL, Inc.
3200 South 70th Street
Philadelphia, PA 19153
215-365-6200 ext. 159
lcerone@xtlonline.com

From: [Craig W. Bulkley](#)
To: [Craig W. Bulkley](#)
Subject: Memo for Record
Date: Wednesday, September 19, 2012 11:33:16 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

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From: [George P. Tsiopras](#)
To: [Craig W. Bulkley](#)
Subject: FW: Exel - Follow-up from Monday's call
Date: Monday, September 17, 2012 1:07:05 PM

As requested,

George P. Tsiopras
Chief Financial Officer
New Hampshire State Liquor Commission
50 Storrs Street, Concord NH 03301
Tel: 603.230.7017 Fax: 603.271.3897

****Please note: My email has changed to**
george.tsiopras@liquor.state.nh.us

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From: Craig W. Bulkley
Sent: Friday, September 14, 2012 10:58 AM
To: George P. Tsiopras; John D. Bunnell; Hastings, Peter; Stephen J. Judge; Judge, Steve
Subject: FW: Exel - Follow-up from Monday's call



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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

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From: Scott Lyons (EXEL CA) [<mailto:Scott.Lyons@exel.com>]
Sent: Thursday, September 13, 2012 5:25 PM
To: Craig W. Bulkley
Cc: Fred Takavitz (Exel US)

Subject: Exel - Follow-up from Monday's call

From my notes I believe we owed the NHSLC the following four items:

- Contract language we normally require for traditional asset backing, an outline of the rent to own option, and the events that lead to early termination
- Suggested language for an indirect and consequential damages waiver
- A note confirming our ability to revenue share
- Update on the real estate

I sent a note earlier this week confirming our ability to revenue share

In terms of the real estate – T.F. Moran completed the preliminary topo and boundary worksheet including wetlands location that can be used for starting civil design. Pro Con and possibly T.F. Moran will also be presenting the site plan on behalf of an ‘anonymous’ tenant next Thursday (Sep 20th) at the Planning Commission meeting. This will help protect the timeline.

Asset Backing

Asset Backing Option #1 (aka Traditional Model) - Exel has entered into this type of arrangement in place for the majority of business opportunities that it has with its customers. At the end of the agreed contract period the facility lease is renewed or, if not renewed, the facility is turned back to a landlord. In those scenarios where Exel owns the facility, the agreement is either renewed (including the facility) or the facility is turned back to Exel.

In the event of a early termination event, the language that follows would apply: “The parties acknowledge and agree that Exel has either specifically leased, owned or otherwise dedicated the Facility in order to provide Services to the NHSLC, and as a result has incurred certain obligations for the period of the Agreement under its leases or ownership obligations. In consideration of Exel leasing, owning or otherwise dedicating the Facility, the parties agree that upon the early termination of this Agreement prior to its stated term, for any reason whatsoever, unless a Lease terminates concurrently with such early termination (such as because of a damage or destruction of the Facility or a taking by expropriation), then, subject to its own or a landlord’s consent, Exel shall assign and NHSLC shall assume such lease together with all of Exel’s obligations thereunder from and after the effective date of such termination (which effective date shall be the date of such early termination) together with any vendor contracts relating to the Facility (such as HVAC and fire protection maintenance contracts, trash removal, etc.)”

Asset Backing Option #2 (aka Lease to Own) - In a lease to own arrangement, the NHSLC wishes to own the facility at the end of the 20 year contract term. The NHSLC would lease the facility from Exel or another party. The NHSLC would sign a Lease Agreement with Exel or another party and obligate itself to a 20 year lease commitment that could not be terminated. At the end of the 20 year period, the NHSLC would own the facility. The lease amounts that are due each month will be paid by Exel, either to Exel or to another party, on behalf of the NHSLC through the fees paid to Exel by the suppliers or ‘industry’. At the end

of the 20 year lease term the NHSLC would own the facility, the racking and mechanization within the facility, and the IT interfaces built to facilitate communications between our respective systems.

If the Operating Agreement with Exel should terminate early for any reason including events such as (1) a bankruptcy by either party, (2) either party fails to negotiate in good faith, (3) failure by the parties to agree on rates, (4) uncured material breach, e.g. failure to deliver services adequately, or (5) New Hampshire chooses to privatize in the same manner as the state of Washington, i.e. permitting direct sales of products from suppliers and vendors to privately owned stores, the obligations that the NHSLC has under the Lease Agreement with Exel or another party would remain.

Specific contract language covering this arrangement will be offered by Exel if the NHSLC elects to proceed with this Lease to Own option.

Disclaimer of Indirect and Consequential Damages

Our proposed language here is as follows: "Notwithstanding any other provision of this agreement to the contrary, neither party, in the performance of their obligations under this agreement shall be liable to the other for any indirect or consequential damages (such as, but not limited to: loss of profits, loss of business, loss of customer goodwill or punitive or exemplary damages or the costs and expenses in providing or securing substitute revenues even if the parties have been advised of the possibility of the same, and without regard to the nature of the claim or the underlying theory or cause of action (whether in contract, tort or otherwise))."

I trust this covers off what we committed in our discussion earlier this week. Again, if what we wrote generates any questions please don't hesitate reach back out to us.

Cheers,
Scott Lyons

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

Telephone: 905 366-7691



www.exel.com

From: [Craig W. Bulkley](#)
To: [George P. Tsiopras](#); [John D. Bunnell](#); "[Hastings, Peter](#)"; [Stephen J. Judge](#); "[Judge, Steve](#)"
Subject: FW: Exel - Follow-up from Monday's call-Internal
Date: Friday, September 14, 2012 10:57:41 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

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Sent: Thursday, September 13, 2012 5:25 PM
To: Craig W. Bulkley
Cc: Fred Takavitz (Exel US)
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Specific contract language covering this arrangement will be offered by Exel if the NHSLC elects to proceed with this Lease to Own option.

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Our proposed language here is as follows: “Notwithstanding any other provision of this agreement to the contrary, neither party, in the performance of their obligations under this agreement shall be liable to the other for any indirect or consequential damages (such as, but not limited to: loss of profits, loss of business, loss of customer goodwill or punitive

or exemplary damages or the costs and expenses in providing or securing substitute revenues even if the parties have been advised of the possibility of the same, and without regard to the nature of the claim or the underlying theory or cause of action (whether in contract, tort or otherwise)".

I trust this covers off what we committed in our discussion earlier this week. Again, if what we wrote generates any questions please don't hesitate reach back out to us.

Cheers,
Scott Lyons

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

Telephone: 905 366-7691



www.exel.com

From: [John D. Bunnell](#)
To: [Craig W. Bulkley](#); [George P. Tsiopras](#); ["Hastings, Peter"](#); [Stephen J. Judge](#)
Subject: Warehouse Bidder XTL Reference Results
Date: Wednesday, September 05, 2012 4:46:09 PM

I have received two very favorable recommendations concerning the service and support that is delivered in Pennsylvania from XLT, one from Mr. Joe Conti, Chief Executive Officer of the PA Liquor Control Board and one from Mr. Bart Tiel of Bartelamio Pio Imports. I also spoke with John Barr of Moet Hennessey who did not have any adverse comments pertaining to operational issues with XTL.

Steven Judge was also present during my conversations with the first two contacts above.

From: [Joseph W. Mollica](#)
To: ["Ray Burton"](#)
Cc: [Michael R. Milligan](#); [Stephen J. Judge](#)
Subject: RE: Warehouse RFP
Date: Tuesday, September 04, 2012 5:43:46 PM

Councilor Burton (Ray),

The evaluation committee is still working with all bidders on a number of issues. The public date for a decision is Sept. 12th and has been extended several times. The RFP also allows for additional extensions if they are deemed necessary by the evaluation committee.

I hope all is well with you and I look forward to talking with you soon.

Sincerely,

Joe M

Joseph W. Mollica
Chairman
NH Liquor Commission
603-230-7005

From: Ray Burton [mailto:ray.burton@myfairpoint.net]
Sent: Tuesday, September 04, 2012 5:49 AM
To: Joseph W. Mollica
Subject:

Joe---

What is the status of the warehouse contract if you can share that with me? --- Ray Burton

From: [Craig W. Bulkley](#)
To: [George P. Tsiopras](#); [John D. Bunnell](#); [Stephen J. Judge](#); "[Hastings, Peter](#)"; "[Judge, Steve](#)"
Subject: EC Meeting w/ Exel

From: [Pinski, Dennis](#)
To: [Craig W. Bulkley](#)
Cc: [Drew, Tim](#)
Subject: Hydrogen sulfide and nuisance odors
Date: Friday, August 31, 2012 2:19 05 PM

Hello Mr. Bulkley. To follow up on our recent conversation, please read over the attached summary that I've enclosed for your review.

SUMMARY

The Department of Environmental Services-Environmental Health Program has been asked to evaluate the likelihood that cardboard boxes used for storage could absorb chemicals from sewer gas and become a source of noxious odors. Based on a review of the scientific literature, we have

determined that hydrogen sulfide is the primary contaminant of interest in this situation, and that it is unlikely for concentrations of the contaminant that are normally found in the environment (see below) to pose a problem. Ambient air levels of hydrogen sulfide near a wastewater treatment plant may constitute an objectionable condition but should be below the levels expected to cause illness in humans or damage to property. Furthermore, hydrogen sulfide odors in a warehouse or other structure should be possible to control through filtration or other technologies involving the facility's air handling system.

BACKGROUND

The Department of Environmental Services-Environmental Health Program (EHP) has been asked to evaluate the likelihood that cardboard boxes used for storage could absorb chemicals from sewer gas and become a source of noxious odors and a nuisance to humans. The term sewer gas refers to a complex mixture of gases produced by the decomposition of organic wastes, particularly sewage. Sewer gas can include hydrogen sulfide, methane, ammonia, sulfur dioxide and oxides of nitrogen. These gases can be harmful to human health. Exposure to elevated concentrations of these substances over prolonged periods can result in a number of adverse health effects, including headaches, breathing difficulties and eye and nasal passages irritation and can progress to more serious effects. EHP has chosen to look at hydrogen sulfide as the gas most commonly detected in the environs of wastewater treatment plants and because it is the chemical generally implicated in odor complaints and problems associated with the operation of these facilities.

Since its development in the late 1800s, cardboard has become increasingly relied upon as the material of choice for packing and storing of a wide range of food and consumer products. In essence, cardboard is a form of paper, composed primarily of cellulose although other chemical substances may be present depending on the manufacturing processes used and the intended end use of the product. Cardboard used in the construction of storage boxes is known as corrugated cardboard and consists of a corrugated sheet attached to one or two sheets of liner board. Corrugated cardboard is also known in the industry as corrugated fiberboard.

EHP conducted a database search but did not find any references to hydrogen sulfide being an issue relative to off gassing from cardboard or other paper materials. Cardboard does have the ability to generate odors. Being permeable, cardboard readily absorbs water when exposed to excessive moisture. Since cardboard is composed of cellulose, it serves as an excellent medium for the growth of mold organisms. It is mold growth in cardboard or paper products that is responsible for the characteristic musty odor associated with these materials.

Relative to hydrogen sulfide, typical background concentrations identified in ambient air have been found to range from 0.02 to 0.10 parts per billion in rural, non-industrialized areas. Airborne concentrations of hydrogen sulfide that have been detected in the vicinity of wastewater treatment plants have been shown to be much greater and to vary over a much wider range. Time-averaged levels of hydrogen sulfide in the 1-2 parts per million range have been documented at these facilities. Although elevated above normal background levels, these concentrations are below the levels that are expected to cause illness in humans.

Hydrogen sulfide at the concentrations listed above has not been shown to negatively impact storage boxes made of cardboard or other materials. In addition to the lack of information implicating cardboard containers as a secondary source of hydrogen sulfide contamination, EHP conducted a more general review of the environmental literature for hydrogen sulfide releases and their impacts on communities. These studies included releases from landfills, chemical processing plants, and agricultural operations in addition to wastewater treatment plants. In all of the cases that EHP reviewed, human exposure and effects on health were presented. EHP did not find any documentation indicating that inanimate objects (carpets, drapes, upholstery, books, cardboard or other permeable materials) were affected by exposure to hydrogen sulfide in air. These cases included facilities and operations where hydrogen sulfide releases occurred regularly, sometimes for a period of years.

In summary, it is unlikely that, at the concentrations normally found in the environment, hydrogen sulfide would pose a problem relative to contamination of the storage containers. If hydrogen sulfide exposure continues to be a concern, however, it should be possible to control for the presence of odors in a warehouse or other building through filtration or the use of other technologies involving the facility's air handling system.

Please feel free to contact me and let me know if you have any questions. Hopefully what I've sent is helpful.

-Dennis Pinski

Dennis Pinski M.P.H.

Section Supervisor

Environmental Health Program

NH Department of Environmental Services

29 Hazen Drive PO Box 95

Concord, NH 03302-0095

Tel (603) 271-6909

dennis.pinski@des.nh.gov

From: [George P. Tsiopras](#)
To: [Craig W. Bulkley](#)
Subject: FW: Exel's Offer to the NHSLC
Date: Tuesday, August 28, 2012 3:14:59 PM
Attachments: [3640_001.pdf](#)

Yes we are in agreement – 11% is the savings on the part of the suppliers – 19% is the total savings compared to the existing contract – at the \$28M bid.

George P. Tsiopras
Chief Financial Officer
New Hampshire State Liquor Commission
50 Storrs Street, Concord NH 03301
Tel: 603.230.7017 Fax: 603.271.3897

****Please note: My email has changed to**
george.tsiopras@liquor.state.nh.us


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From: Fred Takavitz (Exel US) [mailto:fred.takavitz@exel.com]
Sent: Tuesday, August 28, 2012 3:11 PM
To: Craig W. Bulkley
Cc: George P. Tsiopras
Subject: FW: Exel's Offer to the NHSLC

Craig and George,
I've been thinking about a comment that was made in our meeting last week, and I wanted to be sure that we were being clear in what we think the cost benefits to the NHSLC are in accepting Exel's proposal.

The attachment included here was handed out during the meeting last week. I thought I heard George say that our rate proposal represents a 11% savings to the NHSLC when compared to rates that would otherwise be in place on January 1, 2013. At our offer of \$28M, we think the benefit to the NHSLC is more like \$6.7M or 19% (the difference between \$34.72M and 27.99M). At our offer of \$25.5M, the difference is about \$9.2M or 27% (\$34.72 v \$25.5M).

Thanks for allowing us to clarify this.

Fred Takavitz
Exel
Office (614) 865 8392

fred.takavitz@dhl.com

From: [Stephen Judge](#)
To: [Craig W. Bulkley](#)
Subject: RE: BAFO Follow-Up - Part II
Date: Saturday, August 25, 2012 7:11:20 AM

Two really important ideas, these will be an epiphany! Never mind, I forget....

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
E-mail: sjudge@wadleighlaw.com

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From: Craig W. Bulkley [cbulkley@liquor.state.nh.us]
Sent: Friday, August 24, 2012 3:58 PM
To: Fred Takavitz (Exel US)
Cc: Scott.Lyons@exel.com
Subject: BAFO Follow-Up - Part II

Dear Fred –

Are you able to reduce your price to \$26M without asset backing and with no other additional exceptions outside of the email dated August 10, 2012? Please respond at your earliest, no later than Tuesday noon. 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>>

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From: [Stephen Judge](#)
To: [Craig W. Bulkley](#); [George P. Tsiopras](#); [John D. Bunnell](#); [Hastings, Peter](#); [Stephen J. Judge](#)
Subject: RE: NHSLC - Additional Information Requested
Date: Friday, August 24, 2012 11:18:34 PM

A convincing presentation.
Craig,
I will be up at o dark 30 tomorrow and thinking of you.

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
E-mail: sjudge@wadleighlaw.com

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From: Craig W. Bulkley [cbulkley@liquor.state.nh.us]
Sent: Friday, August 24, 2012 2:35 PM
To: George P. Tsiopras; John D. Bunnell; Hastings, Peter; Stephen J. Judge; Stephen Judge
Subject: FW: NHSLC - Additional Information Requested

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>>

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From: Fred Takavitz (Exel US) [<mailto:fred.takavitz@exel.com>]
Sent: Friday, August 24, 2012 2:02 PM

To: Craig W. Bulkley
Cc: Scott Lyons (EXEL CA); George P. Tsiopras
Subject: NHSLC - Additional Information Requested

Craig,

Here is the additional information that was requested by 2:00p today. We stand ready to answer any questions that you or others may have at any time. Thank you.

1. The headcount that we see with varying degrees of mechanization, and the rationale that we used to develop the solution that we proposed to the NHSLC. Please refer to the attachment above which contains information previously provided on July 24 along with several new points
2. Confirmation and restatement of Exel's 20 year rate proposal. Please see the attachment above
3. Confirmation that the \$28,000,000 figure applies without asset backing, and that the \$25,500,000 figure is available if Exel receive asset backing.

Here is the question posed to us on August 13:

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.

Here is the answer we provided on August 13:

We can reduce our Grand Total to \$25,500,000, assuming that we together find a mutually satisfactory solution to Exel's request for the backing of certain assets by the new provider in the event of an early termination. Alternatively, we offer a Grand Total of \$28,000,000 if the State is not able to back certain assets or to contractually commit to having the new provider assume certain assets.

4. Related to Exel's proposed real estate solution:

o Confirmation that we will be organizing a meeting with Michael Bergeron regarding economic incentives and steering our site through the approval process. We have had a teleconference with Mr. Bergeron. He has offered to assist us with specifically two state agencies, Dept. of Environmental Services and Dept. of Transportation. We will coordinate all communication through him for any items that will be under the purview of these agencies.

o Confirmation that we do not need a DES permit to move the equipment on site (i.e. it is not solid waste) We do not believe we need a permit to move the equipment from the proposed site to another location; however this becomes a moot point because it will be addressed in our environmental study(ies). If the Phase One study recommends "no further action", the issue goes away. However, we expect the Phase One will recommend further study, in the form of a Phase Two, which will be done before the equipment is removed. We will have the DES involved. Our strategy will be to engage Mr. Bergeron to work with DES just prior to doing the Phase Two study in an effort to expedite the process.

o Confirmation there are no Indian burial grounds Based upon the historic use of the site, which was an operating gravel pit, and as a result of the site having been already significantly disturbed, this will not be a problem.

o Confirmation we are not impacting the wetlands Based on physical observation and from a wetlands survey performed approximately 10 years ago when the gravel pit was formed, we will not impact wetlands located east of the site.

o Confirmation there are no town impact fees such as improvements to intersections We will need to

do a Traffic Study. Given the combined daily truck traffic (63 trucks total inbound and outbound), there is reason to believe we have a strong case to argue that we will not have traffic impacts which will require mitigation. As a worst case, we may need a left turn pocket and a deceleration lane as the project expands.

- o Who is your environmental consultant? Our environmental consultant is Miller Engineering and Testing located in Manchester, NH.
- o Have you begun the process of a Phase I site investigation? Phase I site investigation is underway.
- o What steps have you taken to obtain an Alteration of Terrain permit? The first step of this Alteration of Terrain permit will be a grading plan. It relies on the topographic study which is underway. We will have a grading plan ready in 3 – 4 weeks and will submit for the Alteration permit on an expedited basis. Issuing of the permit should follow in 30-45 days.
- o What is the specific plan to remove items (trucks, tankers, etc.) from the site, especially items that may have an environmental impact? We will also do a Phase II study and coordinate that with the geotechnical study. Both require soil borings in various locations. The presence of the machinery will not hinder the study. Once we waive our due diligence the Seller will have 15 days to remove the equipment. We will demolish the building while the equipment is either still on site or is in the process of being removed.
- o In the event that your new facility is not completed on time, what are your contingency plans for an alternative site in NH that can be used to assure the seamless flow of product? We do not see any schedule issues at this time, and provided we obtain award from the NHSLC by September 12th, we stand by our original schedule of being full transitioned by October 31, 2013. Should an unforeseen problem arise, the least disruptive contingency would be for the NHSLC to negotiate an extension with the incumbent provider. Additionally, Exel may seek partial occupancy of the new facility and or secure an existing building on a short term basis.

Fred Takavitz
Exel
Office (614) 865 8392
fred.takavitz@dhl.com <<mailto:fred.takavitz@dhl.com>>

From: Fred Takavitz (Exel US)
Sent: Friday, August 24, 2012 9:56 AM
To: 'Craig W. Bulkley'
Cc: Scott Lyons (EXEL CA)
Subject: NHSLC - Additional Information Requested

Craig,
Can I confirm with you the information we will provide to you by 2:00p today? Thank you.

5. The headcount that we see with varying degrees of mechanization, and the rationale that we used to develop the solution that we proposed to the NHSLC
6. Confirmation and restatement of Exel's 20 year rate proposal
7. Confirmation that the \$28,000,000 figure applies without asset backing, and that the \$25,500,000 figure is available if Exel receive asset backing. Please note that this was included in our BAFO dated August 13, 2012

8. Related to Exel's proposed real estate solution

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- o Who is your environmental consultant?
- o Have you begun the process of a Phase I site investigation?
- o Has there been a wetland survey?
- o What steps have you taken to obtain an Alteration of Terrain permit?
- o What is the specific plan to remove items (trucks, tankers, etc.) from the site, especially items that may have an environmental impact?
- o In the event that your new facility is not completed on time, what are your contingency plans for an alternative site in NH that can be used to assure the seamless flow of product?

Fred Takavitz
Exel
Office (614) 865 8392
Mob [REDACTED]
fred.takavitz@dhl.com <<mailto:fred.takavitz@dhl.com>>

From: Craig W. Bulkley
[<mailto:cbulkley@liquor.state.nh.us>] <<mailto:cbulkley@liquor.state.nh.us>>
Sent: Thursday, August 23, 2012 3:52 PM
To: Scott Lyons (EXEL CA)
Cc: Stephen J. Judge; Judge, Steve
Subject: Additional Information Requested

Scott:

Thank you for a very thorough presentation to the commissioners this afternoon. The additional data requested during the meeting should get to me by 2 PM tomorrow, 8/24.

In addition, please refer to our email of August 21, 2012 requesting information regarding your site. We continue to need this information as soon as possible. Thank you.

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Craig W. Bulkley
Director
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Cell: (603) 490-1559

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From: [Craig W. Bulkley](#)
To: [George P. Tsiopras](#); [John D. Bunnell](#); "[Hastings, Peter](#)"; [Stephen J. Judge](#); "[Judge, Steve](#)"
Subject: FW: NHSLC - Additional Information Requested
Date: Friday, August 24, 2012 2:35:58 PM
Attachments: [Exel Proposal - NHSLC 20 Year Rate Summary.pdf](#)



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Craig W. Bulkley
Director
Division of Administration
NH State Liquor Commission
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✉ cbulkley@liquor.state.nh.us

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Sent: Friday, August 24, 2012 2:02 PM
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Cc: Scott Lyons (EXEL CA); George P. Tsiopras
Subject: NHSLC - Additional Information Requested

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Fred Takavitz

Exel

Office (614) 865 8392



fred.takavitz@dhl.com

From: Fred Takavitz (Exel US)
Sent: Friday, August 24, 2012 9:56 AM
To: 'Craig W. Bulkley'
Cc: Scott Lyons (EXEL CA)
Subject: NHSLC - Additional Information Requested

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Fred Takavitz

Exel

Office (614) 865 8392


fred.takavitz@dhl.com

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

Sent: Thursday, August 23, 2012 3:52 PM

To: Scott Lyons (EXEL CA)

Cc: Stephen J. Judge; Judge, Steve

Subject: Additional Information Requested

Scott:

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In addition, please refer to our email of August 21, 2012 requesting information regarding your site. We continue to need this information as soon as possible. Thank you.




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Craig W. Bulkley

Director

Division of Administration

NH State Liquor Commission

 (603) 230-7008

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 cbulkley@liquor.state.nh.us

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From: [Stephen J. Judge](#)
To: [Craig W. Bulkley](#)
Subject: Exel - Site Issues
Date: Thursday, August 23, 2012 3:40:50 PM

Stephen J. Judge
AG Legal Consultant for NHS Liquor Commission
Wadleigh, Starr & Peters, PLLC
95 Market Street
Manchester, New Hampshire 03101
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Web: www.wadleighlaw.com
E-mail: sjudge@wadleighlaw.com
E-mail: stephen.j.judge@liquor.state.nh.us

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From: Craig W. Bulkley
Sent: Tuesday, August 21, 2012 3:02 PM
To: Scott Lyons (EXEL CA) (Scott.Lyons@exel.com)
Subject: Site Issues

Scott:

Please provide us with all the information you have available in regard to the items listed below. At your meeting on Thursday, your team should be ready to discuss the following:


- Who is your environmental consultant?
- Have you begun the process of a Phase I site investigation?
- Has there been a wetland survey?
- What steps have you taken to obtain an Alteration of Terrain permit?
- What is the specific plan to remove items (trucks, tankers, etc.) from the site, especially items that may have an environmental impact?
- In the event that your new facility is not completed on time, what are your contingency plans for an alternative site in NH that can be used to assure the seamless flow of product?

We will be able to have a more informed discussion if you can provide us with the materials requested in our email to you dated August 14, 2012 and your response on August 17, 2012.

Thanks and look forward to seeing you on Thursday.



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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

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From: [Craig W. Bulkley](#)
To: [George P. Tsiopras](#); [John D. Bunnell](#); [Stephen J. Judge](#); ["Judge, Steve"](#); ["Hastings, Peter"](#)
Subject: Warehouse Eval Committee Meeting

This meeting is do conduct our evaluation of vendors at this point in the process.

From: [Stephen J. Judge](#)
To: [Hastings, Peter](#)
Cc: [Craig W. Bulkley](#)
Subject: Law Presentation
Date: Wednesday, August 22, 2012 3:19:17 PM

Peter,

Do you have any outstanding issues for Law?

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
E-mail: sjudge@wadleighlaw.com
E-mail: stephen.j.judge@liquor.state.nh.us

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From: [Craig W. Bulkley](#)
To: [Joseph W. Mollica](#); [Michael R. Milligan](#)
Cc: [Anne Bogart](#); [George P. Tsiopras](#); [John D. Bunnell](#); "[Hastings, Peter](#)"; [Stephen J. Judge](#); "[Judge, Steve](#)"
Subject: Warehouse Vendor Meetings w/Commissioners
Date: Monday, August 20, 2012 4:49:32 PM

Commissioners:

I have coordinated with Anne to schedule the three warehouse vendor meetings with you, the evaluation committee and legal counsel for the following:

- August 21st – 10:00 AM – XTL (participants – Anthony Cerone, Karl Hilprecht)
- August 31st – 9:00 AM – Exel (participants – Fred Takavitz and others to be named)
- August 31st – 11:00 AM – Law Warehouse (participants – Brian Law, John Guerette, Jack Glow)

Each vendor has been informed that the meeting will last an hour and that this is an opportunity for the commissioners to meet each vendor and to have a high-level discussion about their respective proposals. The vendors have also been told that this is their opportunity to point out why they would be the vendor of choice in this process.



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From: [Craig W. Bulkley](#)
To: [George P. Tsiopras](#); [John D. Bunnell](#); "[Hastings, Peter](#)"; [Stephen J. Judge](#); "[Judge, Steve](#)"
Subject: FW: Law - Master Lease for the Liquor Commission
Date: Friday, August 17, 2012 11:30:49 AM
Importance: High



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From: Brian Law [<mailto:brianlaw@lawwarehouses.com>]
Sent: Friday, August 17, 2012 11:26 AM
To: Craig W. Bulkley
Cc: Lehmann, Suzan M.; John Guerette; LAW-Jack Glow
Subject: FW: Master Lease for the Liquor Commission
Importance: High

Craig: Enclosed is the Master Lease as requested.

From: Margaret O'Brien [<mailto:Margaret.O'Brien@cbre-ne.com>]
Sent: Thursday, July 26, 2012 10:48 AM
To: monksco
Cc: Brian Law
Subject: re: Master Lease for the Liquor Commission
Importance: High

Brian,

As requested, attached is the Master lease without the rent exhibits.

Margaret O'Brien | Vice President
CBRE | Portsmouth | Brokerage Services
14 Manchester Square | Portsmouth, NH 03801
T 603 570 2680 | F 603 422 0705 | C 603 828 7245
margaret.obrien@cbre-ne.com

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please notify the sender immediately and delete the transmission. Delivery of this message is not intended to waive any applicable privileges.

From: [Michael Bergeron](#)
To: [Craig W. Bulkley](#); sjudge@wadleylaw.com
Subject: FW: Bergeron--Liquor commission requirement
Date: Tuesday, August 14, 2012 2:50:54 PM
Attachments: [Outlook.bmp](#)
[Outlook.bmp](#)
[Outlook.bmp](#)
Importance: High

August 14

We are set to meet on **Monday August 20 at 2:00 PM**---Commissioner's Office Conference Room, 3rd Floor, DES Offices, 29 Hazen Drive, Concord, NH. We will meet with hazerodus waste team as a start. I will wait for you in the lobby of DES.

Also, DES did research on their data base, and no information shows up on the sites under consideration. See below.

Michael Bergeron
Business Development Manager
State of New Hampshire
Department of Resources and Economic Development
Division of Economic Development
172 Pembroke Road, PO Box 1856
Concord, New Hampshire 03302-1856
Office: 603-271-2591

mbergeron@dred.state.nh.us

From: Drew, Tim [<mailto:Timothy.Drew@des.nh.gov>]
Sent: Tuesday, August 14, 2012 1:36 PM
To: Michael Bergeron
Subject: RE: Bergeron--Liquor commission requirement

What I found on One-Stop: (nothing for Bow). The links on this page won't work. If you want the live links, please let me know. I will begin to set the meeting up for next week and get back to you. Tim

Bow:



Merrimack:



Seabrook:



From: [Michael Bergeron](#)
To: [Craig W. Bulkley](#)
Subject: DRED--Bergeron
Date: Monday, August 13, 2012 3:36:13 PM

August 13

Craig, what is the address for the site in Bow?

Michael Bergeron
Business Development Manager
State of New Hampshire
Department of Resources and Economic Development
Division of Economic Development
172 Pembroke Road, PO Box 1856
Concord, New Hampshire 03302-1856
Office: 603-271-2591
[REDACTED]
mbergeron@dred.state.nh.us

From: Craig W. Bulkley [mailto:cbulkley@liquor.state.nh.us]
Sent: Monday, August 13, 2012 3:31 PM
To: Michael Bergeron
Subject: Warehouse RFP



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Craig W. Bulkley
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From: [Craig W. Bulkley](#)
To: ["English, Lisa \(Lisa.English@doj.nh.gov\)"; "Brown, Michael K. \(Michael.Brown@doj.nh.gov\)"](#)
Cc: [Stephen J. Judge; "Judge, Steve"](#)
Subject: Warehouse RFP Best & Final Offers
Date: Friday, August 10, 2012 12:01:33 PM
Attachments: [NH BAFO Summary Final - Aug 3 2012.xlsx](#)
[Best and Final Offer to NHSLC for RFP 2012-14 Final Aug 3, 2012.docx](#)
[XTL-NH, Inc. - response to BAFO.DOCX](#)
[Book6 - revised.xls](#)
[FW Law Best Final Offer.msg](#)

Lisa/Mike:

Attached please find BAFOs for Law Warehouses, Inc., Exel-NH, and XTL- NH.



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Craig W. Bulkley
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From: [Craig W. Bulkley](#)
To: [George P. Tsiopras](#); [John D. Bunnell](#); "[Hastings, Peter](#)"; [Stephen J. Judge](#); "[Judge, Steve](#)"
Subject: FW: Exel Signed Agreement to Purchase Land
Date: Wednesday, August 08, 2012 7:52:08 AM



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From: Scott Lyons (EXEL CA) [<mailto:Scott.Lyons@exel.com>]
Sent: Tuesday, August 07, 2012 10:01 PM
To: Craig W. Bulkley
Cc: George P. Tsiopras; Greg Foreman (EXEL US); Fred Takavitz (Exel US); Steve Hess (EXEL US)
Subject: FW: Signed Agreement to Purchase Land

Further to Fred's note below, here is a scanned copy of the Agreement to purchase the land. This has been signed off by Seller and we will counter sign in the morning when our signatory is in the office.

We are all set to get started constructing our facility on behalf of the NHSLC!

Please confirm receipt of this email.

Also, in terms of next steps could you please let us know where you are in the process. We recognize that you wish to have a contract in place by Friday and want to ensure we do our part to reach this goal.

Thanks,
Scott Lyons


Telephone: 905 366-7691


From: Fred Takavitz (Exel US)
Sent: Monday, August 06, 2012 5:53 PM
To: Craig W. Bulkley
Cc: Scott Lyons (EXEL CA); Steve Hess (EXEL US)
Subject: Signed Agreement to Purchase Land

Craig,

Related to the voice mail that I left for you earlier this afternoon, we can now confirm that we have a signed purchase agreement with the owner of the property at 675 Route 3A, Bow, New Hampshire. The agreement is for 23 acres on which we intend to build a distribution center to handle business on behalf of the NHSLC.

We will have the signed agreement in our possession tomorrow. Please let me know that you have received this message. Thank you.

Fred Takavitz
Exel
Office (614) 865 8392

fred.takavitz@dhl.com

From: Craig W. Bulkley [<mailto:cbulkley@liquor.state.nh.us>]
Sent: Monday, August 06, 2012 3:44 PM
To: Scott Lyons (EXEL CA)
Cc: Fred Takavitz (Exel US)
Subject: RE: Exel's Best and Final Offer

Received; we will review and contact you if there are any questions



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Craig W. Bulkley
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From: Scott Lyons (EXEL CA) [<mailto:Scott.Lyons@exel.com>]

Sent: Monday, August 06, 2012 12:35 PM
To: Craig W. Bulkley
Cc: George P. Tsiopras; Greg Foreman (EXEL US); Fred Takavitz (Exel US)
Subject: RE: Exel's Best and Final Offer

Craig,

Further to my note sent to you last Friday afternoon, there is an error in the prices sent for the 20 year rates. Please ignore columns AE – AG in our spreadsheet.

Our goal with the 20 year rates is to receive a aggregate revenue per case of \$2.27 from Product Suppliers in the first year, and then have 5% increases in this aggregate revenue per case every 5 years. Thus, the aggregate revenue per case from Product Suppliers would be as follows:

- 2013 – 2017: \$2.27
- 2018 – 2022: \$2.39
- 2023 - 2027: \$2.51
- 2028 – 2032: \$2.64

If the state is interested in our proposal for the 20 year rates, we would be happy to complete the work necessary to propose rates per service that will result in the aggregate revenue per case figures listed above.

We would appreciate the opportunity to discuss our BAFO either in person or by phone.

Sorry for the inconvenience.

Scott Lyons

Telephone: 905 366-7691
[REDACTED]

From: Craig W. Bulkley [<mailto:cbulkley@liquor.state.nh.us>]
Sent: Monday, August 06, 2012 7:46 AM
To: Scott Lyons (EXEL CA)
Subject: RE: Exel's Best and Final Offer

received



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Craig W. Bulkley
Director
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NH State Liquor Commission
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From: Scott Lyons (EXEL CA) [<mailto:Scott.Lyons@exel.com>]
Sent: Friday, August 03, 2012 4:32 PM
To: Craig W. Bulkley
Cc: George P. Tsiopras; Patrick Bennett (EXEL US); Robert Rujevcan (EXEL US)
Subject: RE: Exel's Best and Final Offer

Two quick comments.

First, as stated in our letter - if possible we would appreciate the opportunity to discuss our BAFO either in person or by phone.

Second, regarding our twenty-year rates. We indicated that the rates will rise by 5% every 5 years and showed what the 5% increase would represent across 3 time periods. As we stated in our letter we would like to discuss migrating the rates to something more consistent with costs. We are concerned that if rates rise by 5% total revenues might rise by more than 5% which is not our intent. We only want total revenues to rise by 5% in line with what we expect with costs. We would look for the total revenue per case to follow a progression from \$2.27 to \$2.39 to \$2.51 to \$2.64. If in analyzing our numbers you find the total revenue per case not following this progression then we would appreciate the opportunity to discuss. In the meantime, we will continue our analysis of the figures.

Thanks,
Scott Lyons

Telephone: 905 366-7691


From: Craig W. Bulkley [<mailto:cbulkley@liquor.state.nh.us>]
Sent: Friday, August 03, 2012 4:12 PM
To: Scott Lyons (EXEL CA)
Subject: RE: Exel's Best and Final Offer

Received; thank you

 Please consider the environment before printing this e-mail.

Craig W. Bulkley
Director
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From: Scott Lyons (EXEL CA) [<mailto:Scott.Lyons@exel.com>]

Sent: Friday, August 03, 2012 4:07 PM

To: Craig W. Bulkley

Cc: George P. Tsiopras; Greg Foreman (EXEL US)

Subject: Exel's Best and Final Offer

Attached please find a number of files.

The file titled Best and Final Offer to NHSLC for RFP 2012-14 Final Aug 3, 2012 provides the response to the questions posed in your email note.

The Exel file lists our rates referred to in our response.

The remaining word and power point slides are the Bios and resumes of our team members who will be delivering our solution if we are successful.

Thank-you for your consideration.

Scott Lyons

Exel

90 Matheson Blvd. West, Suite 111

Mississauga, Ontario

L5R 3R3

Canada

Telephone: 905 366-7691



www.exel.com

From: [Stephen J. Judge](#)
To: [Craig W. Bulkley](#); [John D. Bunnell](#); [George P. Tsiopras](#)
Subject: FW: XTL Criminal Background Checks
Date: Tuesday, August 07, 2012 4:01:57 PM

From: Kelly M. Mathews
Sent: Tuesday, August 07, 2012 3:58 PM
To: Stephen J. Judge
Subject: RE: XTL

Good Afternoon,

All the criminal background checks submitted for XTL has cleared the background check.

Kelly

From: Stephen J. Judge
Sent: Monday, August 06, 2012 4:06 PM
To: Kelly M. Mathews
Subject: XTL

XTL filled out the forms. Can you run them through the system? Thanks.

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
E-mail: sjudge@wadleighlaw.com
E-mail: stephen.j.judge@liquor.state.nh.us

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From: [Stephen J. Judge](#)
To: [Craig W. Bulkley](#); [John D. Bunnell](#); [George P. Tsiopras](#)
Cc: [Stephen J. Judge](#); sjudge@wadleighlaw.com
Subject: XTL, Inc. Background
Date: Tuesday, August 07, 2012 2:26:10 PM

In performing our due diligence in evaluating proposals, the EC found a document from February, 1985 that described a series of incidents involving "Xpress Truck Lines, Inc.(XTL)." The document is located at: <http://clevelandmob.com/files/Penn1985Rptpart7-8and9007.pdf> The name of the web site "clevelandmob," does not enhance the credibility of the article. Nevertheless, I was asked to follow up on the allegation in the article that "XTL" was convicted of mail fraud on April 25, 1983.

It is important to note that the article is inaccurate. An entity named Xpress Truck Lines, Inc. pled guilty to mail fraud. In my mind, guilty is guilty but there is an explanation. XTL, Inc., was not convicted or charged and appears to have been uninvolved in the incident. Anthony Cerone was indicted but the charges were dropped. An indictment is no more than an accusation. For the following reasons, my conclusion is that the mail fraud conviction was against a different entity. I recommend that XTL's bid rise or fall on its merits.

At the XTL, Inc. Vendor presentation, I spoke in person with Anthony Cerone. The article alleges that he and an employee were indicted. He confirmed that this was true. He did not equivocate or hesitate. He also confirmed the information in the article that the charges against him and the employee were dropped. He admitted that the trucking firm had been convicted of mail fraud.

I began to seek confirmation from the governmental agencies involved with little success.

I spoke with an official at the US District Court for Philadelphia and learned that the records were not available and may have been destroyed. I spoke with an official at the US Attorney's Office in Philadelphia, who would have prosecuted the case, and got the same response. The article describes the Pennsylvania Public Utility Commission playing a role in deciding whether to issue a common carrier license in 1985. I spoke with an official at the PUC and there were no records of this incident. I did learn that XTL has no Pa. common carrier license for intrastate transport. It does have a federal license for interstate transport.

In order to complete the inquiry, I emailed Louis Cerone, PhD, president of XTL and received contact information for the attorney who represented Anthony Cerone and XTL. The lawyer is Bruce Franzel, a former Philadelphia Assistant District Attorney. From his background and my conversation, I find Attorney Franzel to be credible.

The entity involved in the 1983 conviction was Xpress Truck Lines, Inc.("Xpress") According to the Pa. Sec. of State, Xpress was created in 1973. According to the same source, XTL,Inc. ("XTL") was created in 1982 and then withdrawn. XTL was re-created in 2000 and 2010. Attorney Franzel's point was that the mail fraud conviction did not involve our Vendor, XTL. I conclude that the article is sloppy in describing the convicted entity as XTL.

Xpress had a contract in the early 1980s with the railroads to deliver items. The drivers were a third party. Under the contract, the railroads were responsible for paying for tire repairs. The drivers were committing fraud by producing invoices for tire repairs that never happened. The indicted employee of Xpress sent the fraudulent invoices through the mail to the railroads. Thus, mail fraud was committed. The employee had no knowledge that the drivers were committing fraud. The case against her was dismissed. Anthony Cerone had no knowledge that the drivers were committing fraud and had no involvement in sending the invoices. The government offered to dismiss the charges against Mr. Cerone if Xpress agreed to plead guilty and pay a small fine. The deal was too good to refuse. Xpress pled guilty.

Since 2000, XTL has been the warehouse operator for the PLCB.

Stephen J. Judge
AG Legal Consultant for NHS Liquor Commission
Wadleigh, Starr & Peters, PLLC
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Manchester, New Hampshire 03101
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From: [Joseph W. Mollica](#)
To: [Anne Bogart](#)
Subject: Accepted: Presentation by Warehouse Services RFP Evaluation Committee to the Commission

From: [Craig W. Bulkley](#)
To: [George P. Tsiopras](#); [John D. Bunnell](#); "[Hastings, Peter](#)"; [Stephen J. Judge](#); "[Judge, Steve](#)"
Subject: FW: Exel's Best and Final Offer
Date: Friday, August 03, 2012 4:12:19 PM
Attachments: [NH BAFO Summary Final - Aug 3 2012.xlsx](#)
[Best and Final Offer to NHSLC for RFP 2012-14 Final Aug 3, 2012.docx](#)



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Craig W. Bulkley
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From: Scott Lyons (EXEL CA) [<mailto:Scott.Lyons@exel.com>]
Sent: Friday, August 03, 2012 4:07 PM
To: Craig W. Bulkley
Cc: George P. Tsiopras; Greg Foreman (EXEL US)
Subject: Exel's Best and Final Offer

Attached please find a number of files.

The file titled Best and Final Offer to NHSLC for RFP 2012-14 Final Aug 3, 2012 provides the response to the questions posed in your email note.

The Exel file lists our rates referred to in our response.

The remaining word and power point slides are the Bios and resumes of our team members who will be delivering our solution if we are successful.

Thank-you for your consideration.

Scott Lyons

Exel
90 Matheson Blvd. West, Suite 111
Mississauga, Ontario

L5R 3R3
Canada

Telephone: 905 366-7691



www.exel.com

From: [Craig W. Bulkley](#)
To: [George P. Tsiopras](#); [John D. Bunnell](#); "[Hastings, Peter](#)"; [Stephen J. Judge](#); "[Judge, Steve](#)"
Subject: FW: XTL Best & Final Offer
Date: Friday, August 03, 2012 12:48:46 PM
Attachments: [XTL-NH, Inc. - response to BAFO.docx](#)
[Book6 - revised.xls](#)

XTL's BAFO



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

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From: Louis Cerone [<mailto:lcerone@xtlonline.com>]
Sent: Friday, August 03, 2012 12:10 PM
To: Craig W. Bulkley
Subject: RE: Best & Final Offer

Mr. Bulkley,

Please find attached XTL-NH's response to the below questions, including the rate template.

Please find attached XTL-NH's signed background authorization forms.

Please confirm receipt.

Thank you.

Sincerely,

Louis J. Cerone, Ph.D.
President
XTL, Inc.
3200 South 70th Street
Philadelphia, PA 19153
215-365-6200 ext. 159
lcerone@xtlonline.com

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

Sent: Tuesday, July 31, 2012 3:43 PM

To: icerone@xtlonline.com

Subject: Best & Final Offer

Dear Louis:

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.



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

 (603) 230-7008

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 cbulkley@liquor.state.nh.us

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From: [Stephen J. Judge](#)
To: [Kelly M. Mathews](#)
Cc: [Craig W. Bulkley](#)
Subject: RE: Release form for Criminal Background Check
Date: Tuesday, July 31, 2012 11:39:02 AM

Kelly,

Thank you for your help. In the email that goes out today we are going to notify the vendors that they will have to fill out the forms if they reach the contract negotiation phase. That phase won't happen until next week.

Steve

From: Kelly M. Mathews
Sent: Monday, July 30, 2012 8:45 AM
To: Stephen J. Judge
Subject: RE: Release form for Criminal Background Check

Hi Steve,

Attached is the template that can be modified from Liberty Screening in order to obtain Background Checks. Do you want me to modify it or do you want to?

Kelly

From: Stephen J. Judge
Sent: Friday, July 27, 2012 4:33 PM
To: Kelly M. Mathews
Subject: RE: Release form for Criminal Background Check

4 Forms
Exel, Inc.
Hat Trick Logistics, LLC
Law Warehouses, Inc.
XTL, Inc.

Stephen J. Judge
AG Legal Consultant for NHS Liquor Commission
Wadleigh, Starr & Peters, PLLC
95 Market Street
Manchester, New Hampshire 03101
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From: Kelly M. Mathews
Sent: Friday, July 27, 2012 4:27 PM
To: Stephen J. Judge; Craig W. Bulkley
Subject: RE: Release form for Criminal Background Check

I will contact Liberty on Monday, After reading the form, I understand what you are talking about.

From: Stephen J. Judge
Sent: Friday, July 27, 2012 4:02 PM
To: Craig W. Bulkley; Kelly M. Mathews
Subject: RE: Release form for Criminal Background Check

Kelly,

Thank you for a great idea. Does Liberty have a different form for an entity such as a corporation? We have an LLC and 3 corporations.

Steve

Stephen J. Judge
AG Legal Consultant for NHS Liquor Commission
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From: Craig W. Bulkley
Sent: Friday, July 27, 2012 3:46 PM
To: Stephen J. Judge; Judge, Steve
Subject: FW: Release form for Criminal Background Check



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Craig W. Bulkley
Director
Division of Administration
NH State Liquor Commission
☎ (603) 230-7008
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From: Kelly M. Mathews
Sent: Friday, July 27, 2012 3:30 PM
To: Craig W. Bulkley
Subject: Release form for Criminal Background Check

Hi Craig,

Can you please forward the attachment to the Attorney. Thank you.

Kelly

From: [Kelly M. Mathews](#)
To: [Stephen J. Judge](#); [Craig W. Bulkley](#)
Subject: RE: Release form for Criminal Background Check
Date: Friday, July 27, 2012 4:26:53 PM

I will contact Liberty on Monday, After reading the form, I understand what you are talking about.

From: Stephen J. Judge
Sent: Friday, July 27, 2012 4:02 PM
To: Craig W. Bulkley; Kelly M. Mathews
Subject: RE: Release form for Criminal Background Check

Kelly,

Thank you for a great idea. Does Liberty have a different form for an entity such as a corporation?
We have an LLC and 3 corporations.

Steve

Stephen J. Judge
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From: Craig W. Bulkley
Sent: Friday, July 27, 2012 3:46 PM
To: Stephen J. Judge; Judge, Steve
Subject: FW: Release form for Criminal Background Check



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Craig W. Bulkley
Director
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From: Kelly M. Mathews

Sent: Friday, July 27, 2012 3:30 PM

To: Craig W. Bulkley

Subject: Release form for Criminal Background Check

Hi Craig,

Can you please forward the attachment to the Attorney. Thank you.

Kelly


From: [Stephen J. Judge](#)
To: [Craig W. Bulkley](#)
Cc: ["White, Rebecca"](#)
Subject: RE: Insurance questions
Date: Friday, July 27, 2012 4:09:46 PM

Our insurance expert will not be back until Tuesday. She is in Katmandu. Actually, Korea both North and South. Kamchatka. Kalamazoo.

From: Craig W. Bulkley
Sent: Friday, July 27, 2012 12:23 PM
To: Stephen J. Judge; Judge, Steve
Subject: FW: Insurance questions



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Craig W. Bulkley
Director
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From: Scott Lyons (EXEL CA) [mailto:Scott.Lyons@exel.com]
Sent: Friday, July 27, 2012 12:18 PM
To: Craig W. Bulkley
Cc: George P. Tsiopras; Maria Tzagournis (EXEL US); Fred Takavitz (Exel US); Greg Foreman (EXEL US)
Subject: RE: Insurance questions

Our risk subject matter expert is traveling back from Brazil today. It will be Monday before we are able to brief them, and we will send their information over at that time.

Scott Lyons

Telephone: 905 366-7691


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

Sent: Thursday, July 26, 2012 10:28 AM
To: Scott Lyons (EXEL CA)
Cc: George P. Tsiopras; Maria Tzagournis (EXEL US); Fred Takavitz (Exel US); Greg Foreman (EXEL US)
Subject: RE: Insurance questions

Scott:

Please give us the contact information for your insurance expert and we will have our insurance expert contact that person. Thanks.



Please consider the environment before printing this e-mail.

Craig W. Bulkley
Director
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NH State Liquor Commission
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From: Scott Lyons (EXEL CA) [<mailto:Scott.Lyons@exel.com>]
Sent: Thursday, July 26, 2012 9:03 AM
To: Craig W. Bulkley
Cc: George P. Tsiopras; Maria Tzagournis (EXEL US); Fred Takavitz (Exel US); Greg Foreman (EXEL US)
Subject: Insurance questions

In our discussions on Tuesday a number of insurance questions came up.

It is my experience that the insurance industry has its own vocabulary and I have had good success in resolving insurance questions by putting together our insurance experts with our client's insurance experts. I spoke with Stephen after the meeting, and suggested that such a meeting would quickly clear up any of the insurance questions. He said that it might be a good idea.

Would it be acceptable for me to set up such a conversation through Stephen?

Thanks,
Scott Lyons

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

Canada

Telephone: 905 366-7691



www.exel.com

From: [Stephen J. Judge](#)
To: [Craig W. Bulkley](#); [Kelly M. Mathews](#)
Subject: RE: Release form for Criminal Background Check
Date: Friday, July 27, 2012 4:02:09 PM

Kelly,

Thank you for a great idea. Does Liberty have a different form for an entity such as a corporation?
We have an LLC and 3 corporations.

Steve

Stephen J. Judge
AG Legal Consultant for NHS Liquor Commission
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From: Craig W. Bulkley
Sent: Friday, July 27, 2012 3:46 PM
To: Stephen J. Judge; Judge, Steve
Subject: FW: Release form for Criminal Background Check



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Craig W. Bulkley
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From: Kelly M. Mathews

Sent: Friday, July 27, 2012 3:30 PM

To: Craig W. Bulkley

Subject: Release form for Criminal Background Check

Hi Craig,

Can you please forward the attachment to the Attorney. Thank you.

Kelly

From: [Michael R. Milligan](#)
To: [Craig W. Bulkley](#); [Joseph W. Mollica](#)
Cc: [George P. Tsiopras](#); [John D. Bunnell](#); "[Hastings, Peter](#)"; [Stephen J. Judge](#); "[Judge, Steve](#)"; [Anne Bogart](#)
Subject: RE: Facility/Site Tour
Date: Friday, July 27, 2012 2:30:33 PM

Thank you very much Craig for tightening the schedule.

I will meet you here ta HQ at 0900 hours.

Have a nice weekend,

Mike

From: Craig W. Bulkley
Sent: Friday, July 27, 2012 1:17 PM
To: Joseph W. Mollica; Michael R. Milligan
Cc: George P. Tsiopras; John D. Bunnell; Hastings, Peter; Stephen J. Judge; Judge, Steve; Anne Bogart
Subject: Facility/Site Tour

Commissioners:

We have scheduled a brief tour of each facility or site for you on Monday, July 30th. We will leave HQ at 9 AM and proceed as follows:

- 9:15 AM - Exel site – Route 3A – Bow (no escort required)
- 10:00 AM – XTL site – Route 3 – Merrimack (no escort required)
- 10:30 AM – Hat Trick facility – Route 3 – Merrimack (Chris Brown will escort)
- 11:45 PM – Law facility – Ledge Road - Seabrook (Brian Law will escort)



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Craig W. Bulkley
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From: [Stephen J. Judge](#)
To: [Craig W. Bulkley](#)
Subject: FW: Out of Office AutoReply: Liquor Issues
Date: Thursday, July 26, 2012 12:49:35 PM

fyi

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

From: White, Rebecca [<mailto:Rebecca.White@nh.gov>]
Sent: Thursday, July 26, 2012 12:35 PM
To: Stephen J. Judge
Subject: Out of Office AutoReply: Liquor Issues

I will be out of the office from Thursday July 26th through Monday July 30th. I will be checking email messages. If you would like immediate assistance, please feel free to call my cell phone at [REDACTED]

Thank you,
- Rebecca White

From: [Stephen J. Judge](mailto:Stephen.J.Judge@liquor.state.nh.us)
To: [Craig W. Bulkley](mailto:Craig.W.Bulkley@liquor.state.nh.us)
Subject: FW: LOI - Hat Trick
Date: Friday, July 20, 2012 4:30:21 PM

He got it.

Stephen J. Judge
AG Legal Consultant for NHS Liquor Commission
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95 Market Street
Manchester, New Hampshire 03101
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From: Chris Brown [mailto:cbrown@NHDIST.COM]
Sent: Friday, July 20, 2012 4:26 PM
To: Stephen J. Judge
Subject: Re: LOI

Thanks steve

Sent from my HTC on the Now Network from Sprint!

----- Reply message -----

From: "Stephen J. Judge" <stephen.j.judge@liquor.state.nh.us>
Date: Fri, Jul 20, 2012 4:23 pm
Subject: LOI
To: "Chris Brown" <cbrown@NHDIST.COM>

See below

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
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E-mail: sjudge@wadleighlaw.com
E-mail: stephen.j.judge@liquor.state.nh.us

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From: Stephen J. Judge
Sent: Friday, July 20, 2012 4:22 PM
To: 'Chris Brown'
Cc: Craig W. Bulkley
Subject: FW: LOI

Please see below.

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
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From: Stephen J. Judge
Sent: Friday, July 20, 2012 4:20 PM
To: 'Chris Brown '
Cc: Craig W. Bulkley
Subject: LOI

Dear Chris,

Craig is out of the office today and asked me to comment on your LOI and items for your presentation. Please Reply to All and Craig will pick up the thread on Monday.

You have asked whether the LOI satisfies our request. What we need is comfort that you will be able to have an appropriate facility up and running on time. Anything that you can provide regarding the arrangement with the owner of the facility is welcome.

While getting ready for your presentation, please prepare to discuss the following items.

We need to know that putting that facility on line will not change the rates you addressed earlier today for the first 30 months.

With the three partners working together for the first time, we need detail on how the facility will be run. We understand why the request for financial information was handled as it was but we need a sense of unity in the organization.

We also need an explanation for any exceptions that were taken to the provisions in the RFP.

I am sure there will be more specific substantive questions.

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
E-mail: sjudge@wadleighlaw.com
E-mail: stephen.j.judge@liquor.state.nh.us

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From: [Stephen J. Judge](#)
To: [Craig W. Bulkley](#)
Subject: FW: LOI - Hat Trick
Date: Friday, July 20, 2012 4:25:14 PM

I think this went through on the third try.

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
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From: Stephen J. Judge
Sent: Friday, July 20, 2012 4:24 PM
To: 'cbrown@NHDIST.COM'
Subject: FW: LOI

See below

Stephen J. Judge
AG Legal Consultant for NHS Liquor Commission
Wadleigh, Starr & Peters, PLLC
95 Market Street
Manchester, New Hampshire 03101
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From: Stephen J. Judge
Sent: Friday, July 20, 2012 4:22 PM
To: 'Chris Brown'
Cc: Craig W. Bulkley
Subject: FW: LOI

Please see below.

Stephen J. Judge
AG Legal Consultant for NHS Liquor Commission
Wadleigh, Starr & Peters, PLLC
95 Market Street
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From: Stephen J. Judge
Sent: Friday, July 20, 2012 4:20 PM
To: 'Chris Brown '
Cc: Craig W. Bulkley
Subject: LOI

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I am sure there will be more specific substantive questions.

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From: [Stephen J. Judge](#)
To: [Craig W. Bulkley](#)
Cc: [Joseph W. Mollica](#); [Michael R. Milligan](#)
Subject: RFP Modification
Date: Friday, July 20, 2012 1:50:09 PM


Steve

Stephen J. Judge
AG Legal Consultant for NHS Liquor Commission
Wadleigh, Starr & Peters, PLLC
95 Market Street
Manchester, New Hampshire 03101
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From: [Stephen J. Judge](#)
To: [Craig W. Bulkley](#)
Cc: [Joseph W. Mollica](#); [Michael R. Milligan](#)
Subject: RFP Modification
Date: Friday, July 20, 2012 1:50:09 PM

Craig,


Steve

Stephen J. Judge
AG Legal Consultant for NHS Liquor Commission
Wadleigh, Starr & Peters, PLLC
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From: [Joseph W. Mollica](#)
To: [Craig W. Bulkley](#)
Subject: FW: Alternative Warehouse proposal we spoke of last night
Date: Friday, July 20, 2012 12:13:31 PM
Attachments: [20120719153049853.pdf](#)

FYI...Joe M

Joseph W. Mollica
Chairman
NH Liquor Commission
603-230-7005

From: D.Dean Williams [mailto:DeanW@martignetti.com]
Sent: Thursday, July 19, 2012 3:50 PM
To: Joseph W. Mollica
Subject: Re: Alternative Warehouse proposal we spoke of last night

Nice to see you last night!!!

Look forward to the next time.

Regards,

Dean

D. Dean Williams
Executive Vice President
Martignetti Companies of NH, Inc.
PO Box 1113
Manchester, NH 03105
P (603) 669-5884
deanw@martignetti.com

From: [Craig W. Bulkley](#)
To: [Stephen J. Judge](#)
Subject: Law - Warehouse Services RFP 2012-14
Date: Monday, June 25, 2012 7:44:57 AM

Brian Law – his original email is at the bottom of this string



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Craig W. Bulkley
Director
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NH State Liquor Commission
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FAX (603) 271-3897
Cell: (603) 490-1559
✉ cbulkley@liquor.state.nh.us

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From: Stephen J. Judge
Sent: Friday, June 22, 2012 4:10 PM
To: Craig W. Bulkley
Subject: FW: Warehouse Services RFP 2012-14

Who sent this? Law?

Stephen J. Judge
AG Legal Consultant for NHS Liquor Commission
Wadleigh, Starr & Peters, PLLC
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From: Craig W. Bulkley
Sent: Friday, June 22, 2012 10:33 AM
To: George P. Tsiopras; John D. Bunnell; Hastings, Peter; Stephen J. Judge; Judge, Steve
Subject: FW: Warehouse Services RFP 2012-14



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Craig W. Bulkley
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Division of Administration
NH State Liquor Commission
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From: Brian Law [<mailto:brianlaw@lawwarehouses.com>]
Sent: Friday, June 22, 2012 9:31 AM
To: Craig W. Bulkley
Cc: John Guerette; LAW-Jack Glow; Lehmann, Suzan M.
Subject: Warehouse Services RFP 2012-14

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 22nd.

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

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From: [Craig W. Bulkley](#)
To: [George P. Tsiopras](#); [John D. Bunnell](#); [Stephen J. Judge](#); "[Hastings, Peter](#)"; "[Judge, Steve](#)"
Subject: FW: CONFIDENTIAL - Clarke Distributors Financial Information
Date: Friday, June 22, 2012 3:29:48 PM



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Craig W. Bulkley
Director
Division of Administration
NH State Liquor Commission
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From: Shumway, Kary [<mailto:kshumway@clarkedistributors.com>]
Sent: Friday, June 22, 2012 3:23 PM
To: Craig W. Bulkley
Subject: CONFIDENTIAL - Clarke Distributors Financial Information

Craig,

It was a pleasure to meet you this week at the Merrimack warehouse. As requested, in connection with our proposal, attached are the Confidential financial statements of Clarke Distributors, inc. a Member of Hat Trick Logistics, LLC. Please note that we are still waiting on issuance of our 2011 statements, so I have sent 2008, 2009 and 2010 information. If required, I will contact our CPA firm and have the 2011 statements produced as soon as possible.

Should you have any questions please do not hesitate to give me a call.

Thank you,
Kary

Kary Shumway, CFO
Clarke Distributors, inc.
472 Winchester Street
Keene, NH 03431
603-352-0344 x1211
603-352-0988 Fax



From: [Shumway, Kary](#)
To: [Craig W. Bulkley](#)
Subject: CONFIDENTIAL - Clarke Distributors Financial Information
Date: Friday, June 22, 2012 3:22:50 PM


Craig,

It was a pleasure to meet you this week at the Merrimack warehouse. As requested, in connection with our proposal, attached are the Confidential financial statements of Clarke Distributors, inc. a Member of Hat Trick Logistics, LLC. Please note that we are still waiting on issuance of our 2011 statements, so I have sent 2008, 2009 and 2010 information. If required, I will contact our CPA firm and have the 2011 statements produced as soon as possible.

Should you have any questions please do not hesitate to give me a call.

Thank you,
Kary

***Kary Shumway, CFO
Clarke Distributors, inc.
472 Winchester Street
Keene, NH 03431
603-352-0344 x1211
603-352-0988 Fax***



From: [Craig W. Bulkley](#)
To: ["Fred Takavitz \(Exel US\)"](#)
Cc: ["Steve Hess \(EXEL US\)"; "Greg Foreman \(EXEL US\)"; "Scott Lyons \(EXEL CA\)"](#)
Subject: RE: Phone Meeting Next Week
Date: Friday, June 22, 2012 3:15:10 PM

Fred:

We agree to speak with you on Monday afternoon, 6/25, at 2 PM. We will schedule an hour for discussions. Please arrange for a dial-in number and let us know the code for the call. Thanks.



Please consider the environment before printing this e-mail.

Craig W. Bulkley
Director
Division of Administration
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 cbulkley@liquor.state.nh.us

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From: Fred Takavitz (Exel US) [mailto:fred.takavitz@exel.com]
Sent: Friday, June 22, 2012 12:53 PM
To: Craig W. Bulkley
Cc: Steve Hess (EXEL US); Greg Foreman (EXEL US); Scott Lyons (EXEL CA)
Subject: Phone Meeting Next Week

Craig,

Thanks to you and others for the time spent with us in Concord yesterday. We would like to set up a call next week to answer the questions that were posed, but not sufficiently answered, in yesterday's meeting. Can you let us know when the NSHLC team would be available to meet with us on Monday, Tuesday or Wednesday next week?

We will be prepared respond to the following points and any other questions that the NSHLC team may have:

1. Real Estate, more specifics regarding our preferred site(s) and where we are in terms of securing a solution
2. Labeling, including how we plan to track different vintages and handle the labeling process. The suppliers cannot properly label cases
3. Systems integration, recognizing that the PA 'standard' is not desirable
4. Communication lines into the proposed facility

5. Review the Concept of Operations, 'what happens when a truck backs up to the receiving dock'? How do we plan to ship mixed pallets with different case sizes? Receiving product and getting inventory into the system; can take as long as 18 hours in the existing process.
6. Plan to handle customer pickups at the DC
7. Review productivity assumptions in the bottle pick area
8. Confirm our plans around inbound appointments
9. Clarity around what a driver is to do (and where he goes) when his trailer is being loaded or unloaded
10. Review the concept of 'free storage' for product that the State may procure. Could be as much as 35,000 cases
11. Review the requirement for rate guarantee in the first 30 months
12. Modify our assumption for 1.9% growth rate, use 4% annual case count growth
13. Revise the proposed project timeline to reflect a October 2013 shipping date

Have a great weekend, Craig.

From: [Craig W. Bulkley](#)
To: [George P. Tsiopras](#); [John D. Bunnell](#); [Stephen J. Judge](#); "[Hastings, Peter](#)"; "[Judge, Steve](#)"; "[English, Lisa \(Lisa.English@doj.nh.gov\)](#)"
Subject: Discussion of Warehouse Proposals with the EC, Lisa English and Steve Judge
Importance: High

From: [Stephen Judge](#)
To: [Craig W. Bulkley](#); [Stephen J. Judge](#)
Subject: RE: Long Term Warehouse Questions and Answers
Date: Wednesday, May 02, 2012 4:46:07 PM

[REDACTED]

[REDACTED]

[REDACTED]

Stephen J. Judge
Wadleigh, Starr & Peters, PLLC
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From: Craig W. Bulkley [cbulkley@liquor.state.nh.us]
Sent: Wednesday, May 02, 2012 3:45 PM
To: Stephen J. Judge; Stephen Judge
Cc: Craig W. Bulkley
Subject: FW: Long Term Warehouse Questions and Answers

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

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

From: Eddie Edwards
Sent: Wednesday, May 02, 2012 3:33 PM
To: Southern Wine - rbarnhart; Craig W. Bulkley
Subject: RE: Long Term Warehouse Questions and Answers

Hello Randy,

For the purposes of this warehouse RFP Director Bulkley will have to respond to your questions. Sorry, I couldn't be of greater help to you at this time.

See you soon!!

Director Eddie Edwards

Division of Enforcement and Licensing

57 Regional Dr.

Concord, NH 03301

Office 271-3521



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

From: Barnhart, Randy [<mailto:RBarnhart@southernwine.com>]
Sent: Wednesday, May 02, 2012 9:33 AM
To: Eddie Edwards
Subject: Long Term Warehouse Questions and Answers

Hello Chief,

I'm trying to understand Question # 3 of the attached document. Could you call me to discuss? Basically I'm trying to determine the answer to the following question:

Would Southern's corporate office be allowed to operate the bailment warehouse while also operating as a broker in the state of NH?

Thanks,

Randy

603-540-2829

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Thank you.

From: [Joseph W. Mollica](#)
To: [Craig W. Bulkley](#); [Mark M. Bodi](#); [Michael R. Milligan](#)
Cc: [Stephen J. Judge](#); "[Judge, Steve](#)"; [George P. Tsiopras](#); [John D. Bunnell](#)
Subject: RE: 2012 Long-Term Warehouse RFP (Final)
Date: Thursday, March 29, 2012 10:04:03 AM

Gentleman,

Thank you to all on the committee for staying on top of this RFP and getting the job done in an expeditious manner.

Sincerely,

Joe M

Joseph W. Mollica
Chairman
NH Liquor Commission
603-230-7005

From: Craig W. Bulkley
Sent: Wednesday, March 28, 2012 1:44 PM
To: Joseph W. Mollica; Mark M. Bodi; Michael R. Milligan
Cc: Stephen J. Judge; 'Judge, Steve'; George P. Tsiopras; John D. Bunnell; Craig W. Bulkley
Subject: 2012 Long-Term Warehouse RFP (Final)

Commissioners:

Attached is the final long-term RFP for warehousing. The schedule of events is located on page 4 of 156 of the RFP.

Note that bids are due on June 7th. The period between June 7th and August 1st is reserved to allow the evaluation committee time to evaluate proposals, schedule tours, conduct tests, make its selection, and negotiate a contract.



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

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