
From: Martin Foerder - BB Civil UK
Sent: 07 March 2011 11:44
To: MCMILLAN Fraser
Cc: Brandenburger, Alfred; Flynn, Michael (Siemens TS); CN=Douglas Walker/OU=Project Engineering/OU=Civil/O=Bberger@Bilfinger Berger UK; David Darcy - BB Civil UK
Subject: Fw: WG: AW: tie - Infraco Mediation

Frazer,

would you please forward Siemens answer.

Regards,

Martin Foerder
Project Director

Bilfinger Berger UK Limited
BSC Consortium Office
9 Lochside Avenue
Edinburgh
EH12 9DJ
United Kingdom

Tel: [REDACTED]
Fax: [REDACTED]
Mobile: [REDACTED]
Email: martin.foerder@civil.bilfinger.co.uk
Web: www.civil.bilfinger.co.uk

Bilfinger Berger UK Limited

Executive Management: Richard Walker (Chairman)
Registered Office: 7400 Daresbury Park, Warrington, Cheshire, WA4 4BS
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Company No: 2418086

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----- Forwarded by Martin Foerder/Project Management/Civil/Bberger on 07/03/2011 11:43 -----

From: "Brandenburger, Alfred" <Alfred.Brandenburger@siemens.com>
To: "Martin.Foerder@civil.bilfinger.co.uk" <Martin.Foerder@civil.bilfinger.co.uk>
Date: 07/03/2011 11:32
Subject: WG: AW: tie - Infraco Mediation

Sorry, I was out of office all day on Friday and on a plane on Friday evening.
Therefore I
could not respond before the weekend.

As a matter of principle, you can not use pro rata calculations for the system part. Just to give 2 examples:

Track prices are very much depending on the track form you use in the different sections and furthermore if you have switches (and how many) in certain sections of the works, beside other issues.

E.g. in the depot you need certain machines e.g. washing machine whether you want to wash 5 trains or 20 trains or 27.

On Monday we will have a look to the figures provided last Friday. I also assume, there will be a chance to discuss the figures of the Phoenix proposal during next week's mediation.

Best Regards
Alfred Brandenburger

Siemens plc
ETN Commercial Project Director
9 Lochside Avenue
Edinburgh EH12 9DJ
Tel.: [REDACTED]
Fax: [REDACTED]
Mobil [REDACTED]
mailto:alfred.brandenburger@siemens.com

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Von: Martin.Foerder@civil.bilfinger.co.uk [
mailto:Martin.Foerder@civil.bilfinger.co.uk]
Gesendet: Freitag, 4. März 2011 11:22
An: Brandenburger, Alfred; Flynn, Michael (Siemens TS)
Cc: Richard Walker; David Darcy
Betreff: Fw: tie - Infraco Mediation

FYA
Best regards,
Martin Foerder
Project Director ETN

Sent from my Bilfinger Berger Civil BlackBerry wireless device. . . .

From: "MCMILLAN Fraser" [Fraser.McMillan@pinsentmasons.com]
Sent: 04/03/2011 10:02 GMT
To: Martin Foerder
Cc: "FORSTER Louise" <Louise.Forster@pinsentmasons.com>
Subject: FW: tie - Infraco Mediation

Martin

See attached.

Fraser

Fraser McMillan
Partner
Head of Scotland Office
Pinsent Masons LLP

DDI +44 (0) [REDACTED]
Mobile +44 [REDACTED]
Internal Ex [REDACTED]
www.pinsentmasons.com

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From: Houston, Anne [mailto:Anne.Houston@mcgrigors.com] On Behalf Of Nolan, Brandon
Sent: 04 March 2011 10:01
To: MCMILLAN Fraser
Subject: RE: tie - Infraco Mediation

Fraser

tie's calculation of the Siemens figures are deduced from the Siemen's CPA which totals £96.9m. tie's breakdown on a pro rata basis is as follows:

Construction Price -Section A(AIR - HAY)£38.4
System Wide Works - Section A apportionment4.9
Design Works - Section A apportionment8.1
Preliminaries - Section A apportionment15.7
Princes Street1.0
Total£68.1

As previously indicated, without further information in relation to Siemen's PPP Price Breakdown meaningful analysis of it is not possible.

Brandon

From: MCMILLAN Fraser [mailto:Fraser.McMillan@pinsentmasons.com]
Sent: 03 March 2011 16:23
To: Nolan, Brandon
Subject: RE: tie - Infraco Mediation
Brandon

Siemens have attempted to do the same but have been unable to arrive at the £68m figure you refer to. If you were able to provide details of the calculation then that would assist.

Fraser

Fraser McMillan
Partner
Head of Scotland Office
Pinsent Masons LLP

DDI +44 [REDACTED]
Mobile + [REDACTED]
Internal [REDACTED]
www.pinsentmasons.com

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From: Nolan, Brandon [mailto:Brandon.Nolan@mcgrigors.com]
Sent: 02 March 2011 18:00
To: MCMILLAN Fraser
Subject: RE: tie - Infraco Mediation

Fraser

It is derived from Siemens Contract Price Analysis which was provided at tender stage. Siemens CPA is £96.9m from which £68m is deduced in respect of Airport to Haymarket on the basis of the detail in the CPA.

Brandon

From: MCMILLAN Fraser [mailto:Fraser.McMillan@pinsentmasons.com]
Sent: 02 March 2011 16:25
To: Nolan, Brandon
Subject: RE: tie - Infraco Mediation
Brandon

Siemens have asked where you get the £68m reference from. Could you oblige?

Fraser

Fraser McMillan
Partner
Head of Scotland Office
Pinsent Masons LLP

DDI +44 [REDACTED]
Mobile +44 [REDACTED]
Internal [REDACTED]
www.pinsentmasons.com

Winner British Legal Awards 2010-11 - Law Firm Innovation
From: Nolan, Brandon [mailto:Brandon.Nolan@mcgrigors.com]
Sent: 01 March 2011 18:33
To: MCMILLAN Fraser
Subject: tie - Infraco Mediation

Fraser

With regard to Infraco's Project Phoenix Proposal Price (Appendix 1) tie and CEC would request more detailed information in relation to Siemens' PPP Price Breakdown (Appendix 1.2).

Siemens' PPP of c £136.5m is double Siemens' original price of c £68m (Airport to Haymarket). It is not clear what the basis for this increase is. There is no Schedule Part 4 PA 1 issue in relation to Siemens' work which has undergone little change since tender.

Without further information in relation to Siemens' PPP Price Breakdown meaningful analysis of it is not possible. Nor is it possible for tie and CEC to understand the basis for the very substantial increase which is being proposed.

Can any further details be provided in advance of the mediation to enable proper consideration to be given to the PPP Price?

I appreciate that Biggart Baillie LLP represent Siemens but thought it appropriate to observe the line of communication through you.

I await your response.

Regards

Brandon

Brandon Nolan
Partner

Construction
for McGrigors LLP

DDI +44
Fax +44
Mob +44



www.mcgrigors.com

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