
From: Martin Foerder - BB Civil UK
Sent: 17 August 2011 13:31
To: Kevin Russell - BB Civil UK; David Gough - BB Civil UK
Subject: Fw: Settlement Sums - PRIVILEGED IN CONFIDENCE AND FOI(S)A EXEMPT

Fyi
Best regards,
Martin Foerder
Project Director ETN

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

From: "Colin Smith" [csmith@hg-group.co.uk]
Sent: 17/08/2011 13:31 CET
To: "Alfred Brandenburger" <Alfred.Brandenburger@siemens.com>; Martin Foerder
Cc: <Alan.Coyle@edinburgh.gov.uk>; <Alastair.Maclean@edinburgh.gov.uk>; <Patrick.Scully.ext@siemens.com>
Subject: Settlement Sums - PRIVILEGED IN CONFIDENCE AND FOI(S)A EXEMPT

I write further to our CEC/BBS meeting of 28th July 2011 when we reviewed the remaining points to be agreed in the proposed settlement agreement.

As agreed at our meeting, we discussed a cost to be considered in the event that the Council is unable to secure sufficient funding for the project.

I have been asked by the Council to examine a breakdown of the costs that you have provided. This I have done.

On the basis of a sum having been paid for the works in the amount of £207,228,998 as at 31st August 2011, the full and final termination fee would be £66,250,480 comprising £27,761,517 and £38,488,963 being due to Bilfinger Berger UK and Siemens plc respectively.

It is to be noted that within the above figures the following items have been excluded:

1. No provision for CAF termination sum;
2. No provision for demolition and reinstatement of the site back to its former condition; and
3. No provision for temporary works or traffic management that may be required as an interim measure for the partially built installation.

On receipt of your confirmation of the above as being an accurate statement of your position, in that Bilfinger Berger UK and Siemens plc would oblige themselves to a full and final termination fee as noted above, we will instruct solicitors to finalise this proposal within the settlement agreement by 31st August 2011. Please note that our agreement to these sums is subject to entering into the settlement agreement.

Regards

Colin

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