

TRAM IPG - ACTION NOTE – 9 NOVEMBER 2010

Present: Tom Aitchison (chair), Carol Campbell, Barry Leathem (note) Alastair Maclean, Bob McCafferty, Donald McGougan, Lynn McMath, Nick Smith.

Apologies: Dave Anderson, Andy Conway, Alan Coyle, Jim Inch, Marshall Poulton, Isabell Reid.

Item	Subject	Decision/Action	Action By
1	Note of previous meeting – 3 November	<ul style="list-style-type: none"> • Agreed, with following additions: • Council report 16 December ACTION Project Team to include commentary on adjudication process (from both legal/engineering perspectives) and any other matters reported in the press that we are in a position to refute; • Mediation ACTION AM to seek external legal view from Shepherd and Wedderburn on merits of the Council engaging directly with BB/Consortium and, subject to this advice, to (i) progress a meeting between Council and BB/Consortium (ii) draft appropriate letter to BB/Consortium for consideration, and (iii) discuss this course of action, and a possible agenda for such a meeting, with Richard Jeffrey; • Business Case ACTION ACoyle to pass copy of redacted business case to TA asap, and ensure document is badged as joint effort; LM to ensure appropriate communications plan is in place for its release; • ACTION DMcG/ACoyle to clarify arrangements for sharing unredacted business case with Group Leaders, on a confidential basis. 	<p>Project Team</p> <p>AM</p> <p>ACoyle</p> <p>DMcG/ACoyle</p>
2	Highlight Report – 9 November	<ul style="list-style-type: none"> • Council report 16 December ACTION Project Team to (i) review original rationale for TEL, and if it is still extant today set out management tasks required to integrate and (ii) ensure appropriate balance in the report on the decision to carry on should the project be terminated; • Timescales- noted that tie’s legal advisers have indicated that their analysis of the factual matrix that underpins the case for termination is unlikely to be complete within the timescales necessary for reporting to Council in December (this is also case for the external engineering assessment of the design) ACTION AM/CC to establish completion date for this work from McGrigors and report back 	<p>Project Team</p> <p>AM/CC</p>

Item	Subject	Decision/Action	Action By
		<p>on this to the next IPG meeting;</p> <ul style="list-style-type: none"> • Agreed that the IPG would need to consider the political and media management aspects of a further delay in reporting to Council; • Noted that BB's failure to progress works could present a legal basis on which to terminate the contract, with likelihood of a quicker judicial decision, however this requires tie to serve the necessary instruction, which they have yet to do; • <u>ACTION NS/CC</u> to establish details and outcome of dispute involving BB in Vancouver; • Post termination construction works <u>ACTION BM</u> to bring back paper to IPG with recommendations following consideration of: categorisation of works, legal/procurement advice, what we are entitled to do, major elements (eg test track) we need to take a view on; • Remedial carriageway works <u>ACTION BM</u> to advise Services for Communities asap of planned works to inform Road Programme prior to its finalisation and reporting to Committee; • Design- noted that going forward the Council will need to consider the degree of risk it is willing to accept in relation to design; • Council Report 18 November- noted that report to Council would describe the process for appointing (interim) Chair(s) of tie, TEL and Lothian Buses, with names of recommended candidates likely to form motion on the day of the Council meeting. 	<p>NS/CC</p> <p>BM</p> <p>BM</p>