

In the matter of an adjudication

BETWEEN:

tie LIMITED

Referring Party

and

**BILFINGER BERGER CIVIL UK LIMITED, SIEMENS PLC AND CONSTRUCCIONES Y
AUXILIAR DE FERROCARRILES SA**

Responding Party

**WITNESS STATEMENT OF
SCOTT MCFADZEN**

1. My name is Scott McFadzen. I am employed by Bilfinger Berger Civil UK Limited ('BBCUK') in the capacity of Contracts Director (Scotland). I am located at BBCUK's offices at 9th Floor Buchanan Tower, Buchanan Business Park, Cumbernauld Rd, Stepps, Glasgow G33 6HZ. I have held this position since December 2008. Prior to this, I held the position of Project Director, a position I assumed on joining BBCUK on 1 January 2006.
2. I was employed by BBCUK during the negotiation of the Infraco Contract and during this period I held the position of Project Director. I managed the bid process in conjunction with Richard Walker (Managing Director BBCUK) and Gary Dalton (Commercial Director, BBCUK). This involved meeting with tie on many occasions, reviewing drafts of the Infraco Contract and looking after and feeding through information coming from various members of the BBCUK bid team. Richard and I lead the bid team and were supported by David Taylor, Design Manager; Tom Murray, Commercial Manager; Steve Sharp, Planning Manager; Rolland Halliday, Estimating Manager and Matt Hicks, IT Manager.
3. In the early/initial stage of the Tender Period we were issued with design information including AIP documents which included drawings. We were also issued with drawings as individual documents but where there were no drawings (e.g. for a structure) we extracted the relevant drawings from the AIP documents and included

them on our Tender drawing register. Tower Place Bridge was an example of this in that we were issued with "Issue 2" of the tender information on 1 November 2006 which included the AIP for the Bridge (V4). The AIP included drawings ULE90130-01-BRG-00062 Rev D, ULE90130-01-BRG-0064 Rev A and ULE90130-01-BRG-0065 Rev A. These drawings were retained in our files and register throughout the Tender Period. At a later stage, and in order to enable us to finalise our price for the Contract, we were provided with design information and drawings by tie which had been prepared by SDS, the designers. This information came to us through information released to us on a document called 'tie Information Release Register'. We continued to keep our own drawing register of documents we received both with the original tender information and subsequently. Sometimes these did not correlate. A Tender Query was issued by me to tie on 17 September 2007 noting that the Information Release Register which we had received from tie on 6 September 2007 did not match our own list of drawings we had been issued with (some missing and we had others that were not noted) and asking for clarification (Document 1). The way in which tie issued drawings to us in the latter part of 2007 was particularly chaotic. We had revisions upon revisions to the master drawing register (which was a living excel spreadsheet). Drawings were issued to us from tie only when SDS had themselves issued the drawings to tie.

4. We were appointed as Preferred Bidder on 22 October 2007 and from that point on, I attended weekly Preferred Bidder Progress Meetings to discuss progress on finalising our tender and agreement of the Contract Price amongst other matters. tie were obviously keen and pushing for us to complete our due diligence exercise and to firm up on our Contract Price.
5. Even before we were confirmed as Preferred Bidder, I and several others were given access to Sharepoint, tie's document control and management system (Document 2). In particular, I was given access to a 'Data Room' area within Sharepoint. Sharepoint is a web based file sharing product (project based) (referred to by tie as the 'electronic data room'). tie advised us that we could access design information relevant to us from that Data room to assist with pricing the Contract and issued logins and passwords to our authorised users.
6. We had many problems utilising and gaining useful information from the SharePoint Data Room almost from the start. As noted above, we initially only had access to what I recall was the "Infracore Data Room". When we initially looked at this, it contained very little information. I raised this with tie and following this, we were given access to another file or 'Data Room' which appeared to contain all the relevant drawings albeit with different status. I understood that this was the area where drawings issued by the SDS Provider (the Designer) to tie were uploaded by tie. A lot of information was

added to this Data Room on a daily basis in a manner which resulted in extreme difficulty in terms of using it for the purposes of firming up on our Contract Price.

7. Matt Hicks our IT Manager assisted both me and David Taylor, the Design Manager, with problems we had accessing and sorting drawings in this data room in September and October 2007. Although I was not as close to the detail of this, I understand that there were problems in accessing the relevant information and with 'rogue' new versions of drawings being created. Matt provided me with information on these problems and I raised it with tie at the Preferred Bidder Weekly Progress Meetings on 6 November 2007 (Document 3, item 3.0), 13 November 2007 (Document 4, item 2.0) and 20 November 2007 (Document 5, item 2.0). The problems we were experiencing are best explained in the Minute of the Meeting on 13 November 2007 where it is noted:

"BBS remains concerned about gaining access to current information via the data room – particularly emerging CAD drawings to assist with pricing (e.g. earthwork drawings) – tie to pursue access to Hummingbird asap; also need support on sharepoint problems and orientation training. tie also to consider practicality of a freeze of E & M design for BBS against which they could finalise their design and after which changes could be tracked".

8. This notes the problems we were experiencing with Sharepoint, some of which I have explained above, but also that we were having conversations with tie at this time about the need for a 'design freeze' to enable us to carry out a due diligence exercise on the design and to enable us to arrive at a firm Contract Price. Although the minute of the meeting referred to above relates to a design freeze for electrical and mechanical works, there was a more general discussion which Richard Walker and I were having with tie senior management in around mid November 2007, about the need to stop the deluge of drawings and to draw a line in the sand on design information for due diligence and pricing purposes.
9. It was this need to have a frozen design against which we could price which prompted us to prepare an up to date register of what we believed were the current drawings.
10. At around this same time, I believe that Richard Walker also had a discussion with Matthew Crosse (tie's Project Director at the time) and Geoff Gilbert (tie's Commercial Director) about the need for a frozen design and he asked tie to instruct SDS to issue us with all the current drawings on CD. We then received from tie, 5 CDs with all of the relevant drawings. The last of these CDs was received by us on about 25 November 2007 which is where this date comes from in the Infracore Contract definition of BDDI. We updated our drawing register to reflect the information received on these 5 CDs, but where it did not supersede drawings already on the register, the "original"

drawings were retained in the files and on the register. No revised drawings for Tower Place Bridge were on any of the 5 CDs.

11. Before this date found its way into the Contract, it was recorded in an agreement prepared following a meeting between senior tie personnel and BBCUK/Siemens in Wiesbaden, Germany that this was the design freeze date. I did not attend the meeting which took place in the middle of December 2007 but which was followed up by a written agreement (the Wiesbaden Agreement) recording what had been agreed (Document 6). This notes at clause 3.3 that the BBS (the Consortium of BBCUK and Siemens at that time) price for civils works was for 'all design information drawings issued to BBS up to and including the design information drop on 25th November 2007'. There were also a number of exclusions from this.
12. There is no doubt that reference to the 'information drop on 25th November' is reference to the information put onto CD and issued to us, the last one being received on or about 25th November. We needed a definitive list for pricing and due diligence purposes and together with the relevant design information which had already been issued to us, these CDs were the cut off point. We could not have priced from the Data Room information given the problems we had with accessing the information and difficulties caused by multiple and uncontrolled versions of the same drawing for example.
13. After the 5 CDs were issued to us, we started to receive weekly spreadsheets in excel spreadsheet format from Linda Melville, one of tie's Document Controllers, these spreadsheets containing live links to tie's Data Room which showed all information added or modified in the previous 24 hours (Document 7). We also received some weekly summaries of this on CD (Document 8). This shouldn't have been necessary if Sharepoint was capable of dealing with updates of drawings in a manageable way.
14. Post this date, problems continued with Sharepoint access and I raised these issues with Matthew Crosse. Although we had our design freeze date and drawings, we still had to work with tie to understand the development of the design and tie also wanted us to use Sharepoint during the live project as the device by which information would be shared when the job was up and running.
15. There was discussion of a meeting at around the end of November 2007/early December 2007 to discuss ways of resolving the ongoing issues. Matt Hicks became more involved in this. Matt came to me at one stage and said that he did not believe that Sharepoint was capable of performing the function which tie expected it to. As discussions progressed, we persuaded tie to move to a capable system. We made a presentation to tie on the BIW system which we are now using. Matt headed up these discussions in early January 2008 and thereafter.



16. An example of the problems with Sharepoint can be seen in an email which David Taylor received from Lindsay Murphy, tie's Project Manager on 10 December 2007 which David copied to Matt Hicks and me (Document 9). This email talks about the frustration created searching for documents on Sharepoint and proposes a 'work around' for a particular issue.
17. A further example is an email David Taylor received from tie on 11 December 2007 attaching a 'Drawing and Document Register updated on the 12 December 2007'. (Document 10). This notes that the document *'is for information purposes only it does not superseded the TIE data room but has been produced and will be updated in order to rationalise the information provided.'* tie clearly saw the need to 'rationalise' information given that the many problems with Sharepoint including being able to search and find the most reliable and up to date version of any particular drawing.
18. These problems continued into 2008 and we regularly received further updated information from tie in the form of lists of documents added or modified to the Detailed Design Folder /Data Room (Documents 11, 12 and 13). None of this would have been necessary if Sharepoint was a fully operating and comprehensive data control system.
19. It was through the introduction of Schedule Part 4 to the Infraco Contract in February 2008, and the need to have baseline information on which to base our price, that the concept of Base Date Design Information ('BDDI') came to be discussed. We had based our price on the relevant design information issued to us by tie culminating in the 5 CDs received from tie as outlined above, and the date of 25 November 2007 therefore found its way into the Infraco Contract within the definition of BDDI.
20. By way of background, Schedule Part 4 was the consequence of the situation which had been ongoing with tie for more than 12 months. In order for us to take on a traditional design and build risk, we needed full and final information from tie. Without this information, our bid and subsequent agreements included many qualifications. In the normal course, we would have expected these qualifications to have been negotiated out by the time we entered into the Contract. tie were not in a position to negotiate on many of these issues (many of which were design related, the problem for tie being that the design was not complete). The result was that these items moved away from being called qualifications and became the Pricing Assumptions which form the basis of Schedule Part 4.
21. My clear understanding of the reference to BDDI in Schedule Part 4 is that the drawings and design information which had been issued to us up to and including the 'drop' of information onto CD on 25 November 2007 were of significance in terms of the Pricing Assumptions. In other words, these documents would define the design which we had priced for. This was converted into the Infraco Proposals list of drawings

(very consciously). Things that were not design information (for example, Planning Drawings), were not the Infracore Proposals and were therefore of no significance in terms of BDDI.

22. I am aware that tie now states that any information which was uploaded to the electronic data room and which was therefore 'available' to us as at 25 November 2007, forms part of the BDDI as well as the information which was provided to us on CD. I would dispute this – the reason the 5 compact discs were issued to us was because of the uncertainty about exactly what was in the electronic data room and the problems and difficulties created by its use, which meant that it could not be relied upon at all. tie's definition also seems to ignore all of the other design information including drawings issued to us prior to 25 November 2007 (which had not been superseded by that date), including information not on the 5 CDs.



Signed, Scott McFadzen of Bilfinger Berger Civil UK Limited

19.04.2010

Date

Documents Referred to in Statement:-

1. Email from Scott McFadzen to tie (Bob Dawson) dated 18 September 2007
2. Email from Valerie Clementson of tie to Scott McFadzen dated 26 September 2007
3. Email from Valerie Clementson of tie to Scott McFadzen (and others) dated 8 November 2007 attaching Minute of Preferred Bidder Weekly Progress Meeting dated 6 November 2007
4. Email from Valerie Clementson of tie to Scott McFadzen (and others) dated 19 November 2007 attaching Minute of Preferred Bidder Weekly Progress Meeting dated 13 November 2007
5. Email from Valerie Clementson of tie to Scott McFadzen (and others) dated 23 November 2007 attaching Minute of Preferred Bidder Weekly Progress Meeting dated 20 November 2007
6. Agreement for Contract Price for Phase 1A dated 20 December 2007 (Wiesbaden Agreement)
7. Email from Linda Melville of tie to Scott McFadzen and others dated 5 December 2007 attaching daily excel spreadsheet
8. Email from David Taylor of BBCUK to Lindsay Murphy of tie dated 10 December 2007
9. Email from David Taylor of BBCUK to Matthew Hicks of BBCUK (copied to Scott McFadzen) dated 10 December 2007, forwarding email received by David Taylor from Lindsay Murphy of tie
10. Email from David Taylor of BBCUK to Scott McFadzen dated 11 December 2007 attaching Drawing and Document Register updated on 12 December 2007 which had been received from tie
11. Email from Linda Melville of tie to Scott McFadzen and others dated 21 December 2007 attaching a document detailing links to the Detailed Design folder within the Dataroom dated 21 December 2007
12. Email from Linda Melville of tie to Scott McFadzen and others dated 7 January 2008 attaching a document detailing links to the Detailed Design folder within the Dataroom for 7 January 2008
13. Email from Valerie Clementson of tie to Scott McFadzen dated 4 March 2008 advising of drawings added to the dataroom



Edinburgh Tram - Tender Query

Alison Young to: bob.dawson

18/09/2007 10:19

Cc: Valerie.Clementson, Scott McFadzen, Tom Murray,
stephen.wright, jwasson, walkerprogrammes

History: This message has been forwarded.

FAO Bob Dawson

Dear Sirs
Edinburgh Tram Network "Infraco"
Tender Queries

Please find attached Post Stage Two Tender Query numbered BBS 2114 for your action.

Yours faithfully
Scott McFadzen
Project Director
for Bilfinger Berger Siemens Consortium



Query No BBS 2114.doc



Drawing Register Issues.xls

TENDER QUERY FORM

Tenderer: Bilfinger Berger Siemens Consortium		Tenderer's Query No: BBS 2114
Commercial in Confidence	No	
If yes, please provide reasons		
Clarification Reference No:	[To be inserted by tie] [1. Main sequential number / 2. Number for each discipline]	
Subject Area	Drawing Register	
Query:	<p>Please refer to attached spreadsheet detailing discrepancies between the BBS drawing register and the tie "Information Release Register" issued by Val Clementson on 06.09.07. The tab titled "missing" lists drawings which appear on the tie drawing register but which have not been received by BBS; the "additional drawings" are those which BBS has copies of but do not appear on the tie drawing register; and the third worksheet details drawings which appear on both drawing registers but with different revision numbers.</p>	
Signed:	G Scott McFadzen	Date: 17.09.2007
Position:	Project Director	

Missing Drawings

Drawing number	Revision number
ULE90130-02-DNE-00001	2
ULE90130-02-DNE-00002	2
ULE90130-02-DNE-00003	2
ULE90130-06-DRG-00001	1
ULE90130-SW-GEO-00125	1
ULE90130-SW-GEO-00126	1
ULE90130-SW-SW-MAT-00006	4
ULE90130-01-REP-00031	1
ULE90130-01-REP-00032	1
ULE90130-01-REP-00033	1
ULE90130-01-REP-00052	1
ULE90130-02-REP-00007	1
ULE90130-02-REP-00017	1
ULE90130-03-REP-00140	1
ULE90130-03-REP-00141	1
ULE90130-03-REP-00142	1
ULE90130-03-REP-00143	1
ULE90130-03-REP-00144	1
ULE90130-03-REP-00145	1
ULE90130-03-REP-00146	1
ULE90130-03-REP-00147	1
ULE90130-03-REP-00148	1
ULE90130-03-REP-00149	1
ULE90130-03-REP-00150	1
ULE90130-03-REP-00151	1
ULE90130-03-REP-00163	1
ULE90130-03-REP-00164	1
ULE90130-05-REP-00196	1
ULE90130-06-REP-00004	1
ULE90130-07-REP-00018	3
ULE90130-07-REP-00021	1
ULE90130-07-REP-00024	1
ULE90130-SW-REP-00071	2
ULE90130-SW-REP-00073	6
ULE90130-SW-REP-00130	2
ULE90130-SW-REP-00141	2
ULE90130-SW-REP-00167	4
ULE90130-SW-REP-00205	2
ULE90130-SW-REP-00207	2
ULE90130-SW-REP-00238	3
ULE90130-SW-REP-00251	3
ULE90130-SW-REP-00262	2
ULE90130-SW-REP-00284	1
ULE90130-SW-REP-00285	1
ULE90130-SW-REP-00293	1
ULE90130-SW-REP-00294	1
ULE90130-SW-REP-00295	1
ULE90130-SW-REP-00296	2
ULE90130-SW-REP-00299	2
ULE90130-SW-REP-00310	1

We do not have any version of these drawings. The revision number shown is the one which appears on the tie drawing register.

ULE90130-SW-REP-00311	1
ULE90130-SW-REP-00334	3
ULE90130-SW-REP-00335	1
ULE90130-SW-REP-00338	3
ULE90130-SW-REP-00341	1
ULE90130-SW-REP-00342	1
ULE90130-SW-REP-00344	2
ULE90130-SW-REP-00365	2
ULE90130-SW-REP-00368	3
ULE90130-SW-REP-00371	1
ULE90130-SW-REP-00385	2
ULE90130-SW-REP-00387	1
ULE90130-SW-REP-00388	1
ULE90130-SW-REP-00391	1
ULE90130-SW-REP-00394	1
ULE90130-SW-REP-00395	1
ULE90130-SW-REP-00409	1
ULE90130-SW-SW-REP-00110	6
ULE90130-06-SPN-00001	3
ULE90130-SW-SPN-00001	2
ULE90130-SW-SPN-00016	2
ULE90130-SW-SPN-00044	3
ULE90130-SW-SPN-00045	3
ULE90130-SW-SPN-00046	3
ULE90130-SW-SPN-00050	1
ULE90130-SW-SPN-00054	2
ULE90130-SW-SPN-00061	3
ULE90130-SW-SPN-00067	3
ULE90130-SW-SW-SPN-00048	4
ULE90130-SW-SW-SPN-00058	5
ULE90130-SW-SW-SPN-00061	5
ULE90130-01-STP-00122	2
ULE90130-05-STP-00071	
ULE90130-SW-TAL-00001	
ULE90130-02-TVA-00005	2
ULE90130-06-UTL-00002	
ULE90130-06-UTL-00041	2
ULE90130-06-UTL-00101	

Series we don't have:

ENV
LET
PPN
RRR
SBP
SCC

There are some drawings which appear twice or three times on the drawing register, some with matching revision numbers, others with different numbers. Could you please explain what these are?

Access to Infraco Dataroom - Scott McFadzen
Valerie Clementson
to:
scott.mcfadzen
26/09/2007 18:07
Show Details

History: This message has been forwarded.
Dear Scott

You have been granted access to the INFRACO DataRoom at <http://wss.tield.local/Inram/IDD/>

Clicking on this link will require you to enter your username and password.

Your username is: TIELTD\SMcFadzen
Your password is: RU6jk98B

How to get the most out of using the Infraco DataRoom:

Logging in to the data room, you must pay particular attention to the formatting of your username and password.

- The system is case sensitive
- Where your password contains a symbol or number, these must be accurately entered.
- A backslash "\" is different from a forward slash "/" These are not interchangeable, the correct one must be used as indicated.
- The site is very secure, but has been set up to facilitate access from most computer systems. Your company firewall is unlikely to block access to our site. However, if you cannot reach the site at the link posted above, you will need to contact your company's IT department to have the address unblocked to allow you access.
- ***You should only attempt to use the site with Microsoft's Internet Explorer internet browser. Other browsers cannot use some of the advanced features of the site and may not produce the desired results.*** This site is optimised for Internet Explorer 6 to ensure compatibility with most systems, but should accommodate more recent revisions of that software
- We have used ***Microsoft Office 2003 Professional*** and ***Adobe Acrobat 7.0*** to create and publish the documents on this site. For the best user experience, you should do likewise. More recent editions of these software packages should also be problem free.

Navigating the DataRoom site:

The site is fairly intuitive, but the following guidance note has been prepared to make it easier for you to navigate the site. Please find below a picture of the DataRoom homepage which will appear once you have successfully logged in:

Home - Tram Infraco Dataroom - Microsoft Internet Explorer provided by tie limited

File Edit View Favorites Tools Help

Back Search Favorites

Address <http://wss.tieltd.local/tram/IDD/default.aspx>

Google Go Bookmarks PageRank OS blocked

Home Documents and Lists Create Site Settings Help

Tram Infraco Dataroom
Home

Documents

- DOCS SUBMTD UP TO 06/2007
- PROGRAMME INFO
- PRESENTATIONS
- UTILITIES
- MEETINGS AND AGREEMENTS
- QUERY RESPONSES
- SDS CONTRACT DEPOT
- MISCELLANEOUS

Pictures

Lists

- Contacts
- Tasks

Discussions

- General Discussion

Surveys

Infraco Data Room

Announcements

System Performance - Opening large files NEW
by Howard Elwyn-Jones
Depending on your available internet bandwidth, there may be a delay opening large patient. If internet explorer shows activity (spinning explorer symbol, progress bar)

Understanding Document Numbers NEW @
by Howard Elwyn-Jones
The Design Documents library on this site contains documents which are identified us then the attached file to download a useful guide

Add new announcement

Events

There are currently no upcoming events. To add a new event, click "Add new event"

Add new event

The blue bar at the top has your core navigation tools. Hitting the "home" button at the left hand side of this bar will take you back to the DataRoom home page, should you lose your way. Avoid the link at the right hand side is a link to the main tram Extranet system. *Your access permissions will not take you into this system. Clicking here will log you out and may temporarily suspend your access. This should be avoided.*

At the top of the page, please pay attention to the "Announcements" section. This is an area which allows the DataRoom administrators to communicate with all users and provide useful information and assistance. Clicking on the banner in any announcement (eg "Understanding Document Numbers") will open up the full text of the announcement. There may also be useful files attached here to help you. In this example, there is a guide to understanding the document numbers used by our designers which will be of significant help in negotiating the information contained in the DataRoom's Document Libraries.

Most Document Libraries appear at the left hand side. They contain the documents already submitted to you, Programme information, Presentations, Utilities information, Meetings and Agreements etcetera.

At the right hand side is a link to "Further SDS Design." This is separate from the other document libraries because it shares an element of the wider tie Extranet system with you. This document library will

give you access to updated design as it is delivered to tie, ensuring you have the most accurate and up to date information we can provide.

Some of these document libraries will continue to grow and will be updated throughout the process with the most accurate and up to date information which we have to make available to you. The system can notify you as soon as new content arrives, and as soon as any existing content is updated. *This option is user controlled. You will need to follow the instructions below to do this for any library where you wish to receive update notifications.*

Working with Document Libraries & Setting up automatic notification of changes:

Click into the document library you wish to receive alerts for. In this example, we are using the "Presentations" document library and a sample document for illustrative purposes :

Home Documents and Lists Create Site Map

Tram Infraco Dataroom
Home

Documents

- DOCS SUBMTD UP TO 08/2007
- PROGRAMME INFO
- PRESENTATIONS
- UTILITIES
- MEETINGS AND AGREEMENTS
- QUERY RESPONSES
- SDS CONTRACT
- DEPOT
- MISCELLANEOUS

Pictures

Lists

- Contacts
- Tasks

Discussions

- General Discussion

Surveys

Infraco Data Room

Announcements

System Performance - 0
by Howard Elwyn-Jones
Depending on your available
patient. If internet explorer

Understanding Document
by Howard Elwyn-Jones
The Design Documents libra
then the attached file to dow

Add new announcement

Events

There are currently no upco

Add new event

Clicking on the link will take you into the "Presentations" Document Library:

PRESENTATIONS Microsoft Internet Explorer provided by the limited

File Edit View Favorites Tools Help

Address http://www.robtd.co.uk/infacore/IDDPRESENTATIONS/Forms/AllItems.aspx

Home Documents and Lists Create Site Settings Help

From Infracore Dataroom
PRESENTATIONS

Select a View

- All Documents
- Explorer View

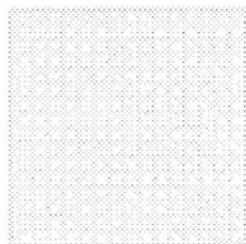
Actions

- Alert me
- Export to spreadsheet
- Modify settings and columns

New Document | Upload Document | New Folder | Filter | Edit in Datasheet

Type	Name	Modified	Modified By	Checked Out To
PRO-INFRACO-1033 New	SDS INFRACO Due Diligence Presentation - 19/09/2007	26/09/2007 22:28	Howard Elwyn-Jones	

The view of this library currently shows the SDS Infracore Due Diligence Presentation from the 19th of September. It shows the user who uploaded this information, confirms that its addition to the data room has been approved and shows the version of the document and its purpose – for information.



At the left hand side, you will see a list of "Actions." This has been highlighted in the screenshot above.

Click on "Alert Me" to set up alerts for this document library. Depending on the type of alert you request, the system will send an email to your registered email account notifying you of new or revised content in this document library.

Here is the Configuration screen for Alerts:

Home Documents and Lists Create Site Settings Help

Tram Project Procurement & Contracts
New Alert: Infracore: All items

Use this page to create an e-mail alert notifying you when there are changes to this item.

Send Alerts To
 All of your alerts will be sent to this e-mail address. Change my e-mail address.

Change Type
 Specify the type of changes that you want to be alerted to.

Alert Frequency
 Specify whether you want to be alerted immediately when there is a change, or if you want a daily summary.
 View my existing alerts on this site.

When selecting options, we would strongly advise against selecting an immediate notification. This would result in your receiving email notifications of all changes immediately – potentially hundreds of emails. It is best to select a daily summary which will generate an email at the end of each day, telling you about all activity.

Using the settings shown in the screen shot, you will receive notification whenever new items are added to the document library. If you also want to be advised of changes (for example, if a document is revised with a newer version) then repeat this process requesting also an alert for "Changed Items"

All document libraries to which you have access offer this service and can be configured as you wish. It is likely that different people in your organisation who have DataRoom access will want updates on different document libraries. The system gives you the autonomy to choose what you will be informed about.

Conclusion


Not all of the features listed at the left hand side of the DataRoom are enabled, the Document Libraries are the shared elements to which you have been granted access.

Should you encounter any difficulties, please contact valerie.clementson@tie.ltd.uk in the first instance. If needed, Valerie can put you in contact with someone who can provide more technical assistance.

tie Limited
 Citypoint
 65 Haymarket Terrace
 Edinburgh
 EH12 5HD

Tel: 0131 622 8383

e-mail: valerie.clemenston@tie.ltd.uk

 *Help to save paper - do you need to print this email?*

tie Limited

Citypoint


65 Haymarket Terrace

Edinburgh

EH12 5HD

Tel: 0131 [REDACTED]

e-mail: valerie.clemenston@tie.ltd.uk

 *Help to save paper - do you need to print this email?*

The information transmitted is intended only for the person to whom it is addressed and may contain confidential and/or privileged material. If you are not the intended recipient of this e-mail please notify the sender immediately at the email address above, and then delete it.

E-mails sent to and by our staff are monitored for operational and lawful business purposes including assessing compliance with our company rules and system performance. TIE reserves the right to monitor emails sent to or from addresses under its control.

No liability is accepted for any harm that may be caused to your systems or data.

by this e-mail. It is the recipient's responsibility to scan this e-mail and any attachments for computer viruses.

Senders and recipients of e-mail should be aware that under Scottish Freedom of Information legislation and the Data Protection legislation these contents may have to be disclosed to third parties in response to a request.

the Limited registered in Scotland No. SC230949. Registered office - City Chambers, High Street, Edinburgh, EH1 1YT.



Minutes

Valerie Clementson to: Matthew Crosse, Susan Clark, Bob Dawson, Geoff Gilbert, scott.mcfadzen, Tom Hickman

08/11/2007 10:36

Cc: "UK MB INFRACO"

History: This message has been forwarded.

Dear all;

Please find attached minutes from PB Weekly meeting.

Regards,

Val

tie Limited
Citypoint
65 Haymarket Terrace
Edinburgh
EH12 5HD
Tel: 0131 [REDACTED]
e-mail: valerie.clemenston@tie.ltd.uk

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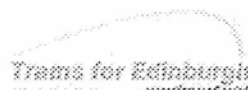
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PRO.Infraco.1498.pdf



tie Limited

Minutes of Meeting: Preferred Bidder Weekly Progress Meeting

Date: 6th November 2007

Venue: CityPoint

In attendance: Matthew Crosse
Susan Clark
Bob Dawson
Geoff Gilbert
Scott McFadzen
Tom Murray

Item	Comment	Action
1.0	Notes of previous meeting	
	Preferred bidder letter – complete	
	BBS to provide a list of people requiring access to workstations in Citypoint – outstanding	BBS
	Protocols for IT access – complete	
	Meeting with WG, BBS & SDS – complete	
	BBS to get themselves comfortable with Designs – technical meetings set up	
	Organograms for tie/SDS – tie PB phase and SDS organograms provided – complete	
	tie delivery organogram to be provided - outstanding	BBS
	BBS delivery organogram to be provided - outstanding due 16/11	
	Contract meetings – will focus on agreeing the core issues of principle – complete	tie
	Schedule of meetings provided – complete	BBS
	tie to look at fast tracking of technical approvals process – outstanding	
	tie to set up pricing meeting – outstanding due 7/11	
	Weekly meetings to be re-scheduled to a Tuesday - complete	tie
2.0	Issues arising from previous meeting	
	Co-location : BBS have assumed co-location but based in portacabins near Gogar.	BBS
	Consideration to be given to more economic options including co-location in CityPoint. This to be considered by December.	
3.0	Meeting Schedules	
	<u>Contract</u> – agreed that the legal meeting would be held on Wednesday at 2pm using Friday if required.	
	<u>Technical</u> – BBS agreed to provide a list of questions in advance of each meeting.	BBS
	BBS to confirm Siemens attendance at the meetings next week.	BBS
	SDS to provide CAD drawings to assist with pricing. In particular, earthwork drawings are required.	tie

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Item	Comment	Action
	BBS indicated that information available via the data room is not current. tie undertook to look at access to Hummingbird for BBS.	tie
	tie to confirm the design for London Road.	tie
	Utility diversion matrix – tie to pass over the matrix outlining work to be undertaken by Infraco	tie
4.0	Issue for completion by end November	
	Geoff presented a list of issues that require to be complete by end November. This includes: <ul style="list-style-type: none"> • Run-time : BBS to confirm in writing that they are happy with design run-time • Quality : BBS to confirm in writing that they are content with quality of designs and design process 	BBS BBS
5.0	Mobilisation Scope & Deliverables	
	2 deliverables required as follows: <ul style="list-style-type: none"> • BBS to provide programme for mobilisation including deliverables and cost. This to be provided by 9/11. Milestone payment proposal – BBS to provide detailed breakdown of tangible deliverables associated with this payment. Geoff to set up a meeting next week to agree.	BBS tie
6.0	Document Standards & Systems	
	tie handed over a document outlining requirements. BBS to respond by 13/11	BBS
	Dedicated e.mail address set up by tie to be used from now on.	BBS/tie
7.0	Emerging Issues	
	tie to outline to BBS how it deals with betterment under NRSWA for all utility diversions undertaken. Tie outlined that the benefit of this would come to tie.	tie
	Information from BBS on additional GI o be provided to tie tomorrow (7/11)	BBS
	tie outlined the work about to start at Ingliston Park & Ride to excavate material. BBS to look at if this material could be suitable for the surcharging at Gogar landfill site.	BBS
	CAF – BBS to look at possibility of agreement of CAF being brought into the consortia being reached by end November	BBS
8.0	Next meeting 13 th Nov.	

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RE: Minutes of Preferred Bidder Weekly meeting

Valerie Clementson to: Matthew Crosse, Geoff Gilbert,
Richard.Waiker, roland.brueckmann,
kraemer.robert, scott.mcfadzen,
tom.murray

19/11/2007 15:03

Cc: Alison.Young, "Susan Clark", "UK MB INFRACO"

History: This message has been forwarded.

Here they are!

From: Valerie Clementson

Sent: 19 November 2007 14:52

To: Matthew Crosse; Geoff Gilbert; 'Richard.Walker@bilfinger.co.uk';
'roland.brueckmann@siemens.com'; 'kraemer.robert@siemens.com';
'scott.mcfadzen@bilfinger.co.uk'; 'tom.murray@bilfinger.co.uk'

Cc: 'Alison.Young@bilfinger.co.uk'; Susan Clark; UK MB INFRACO

Subject: Minutes of Preferred Bidder Weekly meeting

Please find attached minutes of the Preferred Bidder Weekly meeting.

Regards,

Val

Alison – could you please copy to Thomas Gottweiss.

TIE Limited
Citypoint
65 Haymarket Terrace
Edinburgh
EH12 5HD
Tel: 0131 [REDACTED]

e-mail: valerie.clementson@tie.ltd.uk

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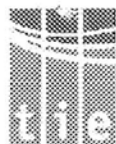
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EH1 1YT.



PRO.Infraco.1514.doc



tie Limited

Minutes of Meeting: Preferred Bidder Weekly Progress Meeting

Date: 13th November 2007

Venue: CityPoint

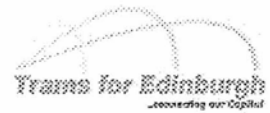
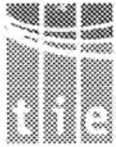
In attendance: Matthew Crosse
 Geoff Gilbert
 Richard Walker
 Roland Brueckmann
 Thomas Gottweiss
 Robert Kramer
 Scott McFadzen
 Tom Murray
 Susan Clark (apologies)

Item	Comment	Action
1.0	Notes of previous meeting	
	1. BBS to provide a list of people requiring access to workstations in Citypoint – <i>outstanding</i>	BBS
	2. tie delivery organogram to be provided – <i>outstanding, discussion planned 15/11</i>	tie
	3. tie to look at fast tracking of technical approvals process – <i>tie to update on 21/11</i>	tie
	4. tie to set up pricing meeting – <i>programme for pricing to be issued by 16/11</i>	tie
	5. tie to confirm the design for London Road.	tie
	6. Utility diversion matrix – tie to pass over the matrix outlining work to be undertaken by Infraco	tie
	7. BBS to provide programme for mobilisation including deliverables and cost. This to be provided by 9/11. <i>Now urgent : to be provided by Friday 16/11</i>	BBS
	8. Milestone payment proposal – BBS to provide detailed breakdown of tangible deliverables associated with the 20% milestone payment	BBS
	9. tie handed over a document outlining requirements. BBS to respond by 13/11. <i>Agreed at meeting.</i>	
	10. tie outlined the work about to start at Ingliston Park & Ride to excavate material. BBS to look at if this material could be suitable for the surcharging at Gogar landfill site.	BBS
	11. tie to outline to BBS how it deals with betterment under NRSWA for all utility diversions undertaken.	tie
2.0	Issues arising	
	* BBS remains concerned about gaining access to <i>current</i> information via the data	tie

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Item	Comment	Action
	<p>room – particularly emerging CAD drawings to assist with pricing (e.g. earthwork drawings) – tie to pursue access to Hummingbird asap ; also need support on sharepoint problems and orientation training. tie to also consider practicality of a freeze of E&M design for BBS against which they could finalise their design and after which changes could be tracked.</p> <ul style="list-style-type: none"> GI interpretative report offered by SDS is inadequate. It is based on interpreting trial bores only, not interpreting results on an area by area basis. tie/BBS to discuss with SDS (Steve Reynolds). 	tie/BBS
3.0	Programme progress	
	<ul style="list-style-type: none"> ER version 3.0 now issued. BBS to page turn and identify all areas where there is misalignment with proposals and or SDS designs where known and to update compliance matrix. End of November. First TTROs shown mid 2008 but would be required sooner to meet overall programme. tie (Keith Rimmer) to sort out. End of November. Some SDS designs also shown to be after construction start. Firmed up price for 1B. tie (Geoff Gilbert) to issue or ensure access to all completed drgs on 1B (estimated to be 91%). Firmed up programme for 1B. End November. Firmed up prices for highways and drainage. Exceptions Lindsay Rd, OCT and Picardy Place. End November. Noted BBS intention to work from W-E rather than E-W in order make programme work. Programme to be updated by end November. 	<p>BBS</p> <p>tie</p> <p>tie</p> <p>tie</p> <p>BBS</p> <p>BBS</p> <p>BBS</p>
4.0	Matters for completion by end November	
	<p>Geoff re-iterated a list of matters that require to be complete by end November. This includes:</p> <ul style="list-style-type: none"> Run-time : BBS to confirm in writing that they are happy with designed run time ("law of physics" not in traffic run-time) Quality : BBS to confirm in writing that they are content with quality of designs and design process. 	<p>BBS</p> <p>BBS</p>
5.0	CAF Joining BBS Consortium	
	<p>BBS reported good initial discussions with a preparedness to join. tie asked BBS to note that the arrangements could not be executed until after Contract Award (28 January) and to be kept fully informed.</p>	<p>BBS</p> <p>tie</p>
6.0	Value Engineering	
	<ul style="list-style-type: none"> tie expressed concerns that in some areas where VE had been explored, costs were 	BBS

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Item	Comment	Action
	<p>liable to increase as more information became available to BBS. This would not be acceptable if solely based on poor tender preparation.</p> <ul style="list-style-type: none"> ▪ VE items that tie are <u>not</u> prepared to take forward are: <ul style="list-style-type: none"> ▪ single ended depot access ▪ alternative track layout at OCT ▪ Co-location & other VE organisational synergies including avoidance of duplication and unnecessary man-marking. £1m noted in BBS VE letter. BBS have a choice of three alternatives for a project office. Consideration to be given to more economic options including co-location in CityPoint. This to be considered by December. tie to arrange special VE meeting. ▪ OLE proposal remains non compliant in respect planning impact. Also noted are need for tapered poles. Action to work together to ensure VE driven approach which reasonably meets needs of planning. 	<p>BBS/tie</p> <p>tie/BBS</p>
8.0	Contract Issues	
	<ul style="list-style-type: none"> ▪ Contracts – progressing and will complete by end November. ▪ Third Party Agreements and side letters. tie advised that these cannot be renegotiated and that many go back to the Act. BBS to note that their lawyers' review should be confined to top down approach to all TPAs. tie to assist if required. ▪ BBS need a meeting with NR prior to end November to confirm immunisation approach and possessions. 	<p>BBS/tie</p> <p>tie</p>
9.0	AOB	
	<ul style="list-style-type: none"> ▪ BBS to operate a document numbering system. ▪ Meeting attendees to be contacted first (and dates OK'd) prior to sending out formal Outlook Meeting Invitations. ▪ All communication to always also include Alison, Scott and Roland and Infraco email address. 	<p>BBS</p> <p>tie</p> <p>tie</p>
8.0	Next meeting 20th Nov.	

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Preferred Bidder Weekly meeting minutes 20/11

Valerie Clementson to: Matthew Crosse, Geoff Gilbert, Susan Clark, Steven Bell, Richard Walker, roland.brueckmann, Scott.McFadzen, stephen.wright

23/11/2007 11:42

Cc: "UK MB INFRACO", "Bob Dawson", Alison.Young

History: This message has been forwarded.

Dear all,

Please find attached minutes from Preferred Bidder Weekly meeting on 20/11.

Regards,

Val

tie Limited
Citypoint
65 Haymarket Terrace
Edinburgh
EH12 5HD
Tel: 0131 [REDACTED]
e-mail: valerie.clemenston@tie.ltd.uk

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PR0.Infraco.1528.doc



tie Limited

Minutes of Meeting: Preferred Bidder Weekly Progress Meeting

Date: 20th November 2007

Venue: CityPoint

In attendance: Matthew Crosse
Geoff Gilbert
Susan Clark
Steven Bell
Richard Walker
Roland Bruackmann
Scott McFadzen
Steve Wright

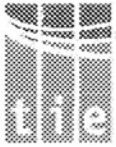
Item	Comment	Action
1.0	Notes of previous meeting	
	1. BBS to provide a list of people requiring access to workstations in Citypoint –tie delivery organogram to be provided – <i>outstanding, discussion planned 15/11</i>	Complete
	2. tie to look at fast tracking of technical approvals process – <i>tie to update on 21/11</i>	Complete
	3. tie to set up pricing meeting – <i>programme for pricing to be issued by 16/11</i>	tie
	4. tie to confirm the design for London Road.	Complete
	5. Utility diversion matrix – tie to pass over the matrix outlining work to be undertaken by Infraco	tie
	6. BBS to provide programme for mobilisation including deliverables and cost. This to be provided by 9/11. <i>Now urgent : to be provided by Friday 16/11</i>	BBS
	7. Milestone payment proposal – BBS to provide detailed breakdown of tangible deliverables associated with the 20% milestone payment	BBS
	8. tie handed over a document outlining IT requirements. BBS to respond by 13/11. <i>Agreed at meeting</i>	
	9. tie outlined the work about to start at Ingliston Park & Ride to excavate material. BBS to look at if this material could be suitable for the surcharging at Gogar landfill site.	BBS
	10. tie to outline to BBS how it deals with betterment under NRSWA for all utility diversions undertaken.	tie
2.0	Issues arising	
	* GI interpretative report offered by SDS is inadequate. It is based on interpreting trial bores only, not interpreting results on an area by area basis. tie/BBS to discuss with SDS (Steve Reynolds).	tie

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Item	Comment	Action
	<ul style="list-style-type: none"> BBS wish to consider alternative system to Sharepoint being used for document storage. Meeting to be set up between IT departments. Session to be set up next week on integration of teams. 	tie/BBS
3.0	Technical/Due Diligence/VE	
	<ul style="list-style-type: none"> Track – SDS to confirm depth of track and ballast Systems and communication – questions from Transdev to be provided to BBS BBS remains concerned about gaining access to <i>current</i> information via the data room – particularly emerging CAD drawings to assist with pricing (e.g. earthwork drawings) SDS agreed to provide a package of drawing this week including planning drawings, draft MX data for track and roads, drawings for 1a and 1c showing current proposals for Picardy Place, St Andrew's Sq, Lindsay Rd etc, WIP for several structures, earthworks MX, family of poles report for OLE Consents – technical and commercial meeting to be held to discuss mechanics of achieving consents tomorrow 	<p>tie</p> <p>tie</p> <p>tie</p> <p>tie</p>
4.0	Contract	
	<ul style="list-style-type: none"> No immediate issues 	
5.0	CAF Joining BBS Consortium	
	<ul style="list-style-type: none"> BBS to provide an update on this matter to tie by 21/11 tie to provide a list of questions to BBS 	BBS tie
6.0	Pricing	
	<ul style="list-style-type: none"> BBS to review pricing programme and give feedback on 21/11 	BBS
7.0	Programme progress	
	<ul style="list-style-type: none"> ER version 3.0 now issued. BBS to page turn and identify all areas where there is misalignment with proposals and or SDS designs where known and to update compliance matrix. 26 November. First TTROs shown mid 2008 but would be required sooner to meet overall programme. tie (Keith Rimmer) advised that this will be resolved and TTRO's in place by February. BBS advised that their current programme doesn't deliver the required end date. Work ongoing to ease constraints is helping to solve this Firmed up price for 1B. tie (Geoff Gilbert) to issue or ensure access to all completed drgs on 1B (estimated to be 91%). Firmed up programme for 1B. End November. Firmed up prices for highways and drainage. Exceptions Lindsay Rd, OCT and Picardy Place. End November. Noted BBS intention to work from W-E rather than E-W in order make programme work. Programme to be updated by end November. 	<p>BBS</p> <p>tie</p> <p>tie</p> <p>BBS</p> <p>BBS</p> <p>BBS</p>

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Item	Comment	Action
8.0	Mobilisation	
	<ul style="list-style-type: none">▪ BBS to provide a full programme and costs by 21/11▪ Meeting set up to discuss the 205 milestone payment	BBS
9.0	Board Level Meeting	
	<ul style="list-style-type: none">▪ BBS suggested holding this in Germany during week commencing 12 Dec. tie to confirm.	tie
8.0	Next meeting 27th Nov.	

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