

Our ref: **25.1.201/KDR/5208**

31 March 2010

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Bilfinger Berger Civil EDI			
Issue Date	01 APR 2010	Time	
Priority			
Author			
Destination			

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For the attention of Steven Bell, Tram Project Director

Dear Sirs,

**Edinburgh Tram Network Infraco  
Infraco Contract: Clause 80.13 Instruction**

We refer to your letter dated 19 March 2010 (Reference INF CORR 4487), our letter dated 23 March 2010 (Reference 25.1.201/RS/5172) and the confirmation received from tie at the meeting between Messrs Jeffrey/Rush and Darcy/Walker/Flynn on 25 March 2010, that your letter (Reference INF CORR 4487) is intended to be an instruction to proceed with works under Clause 80.13.

Given the widely differing status of the extensive list of INTCs to which the instruction refers (see Infraco assessment below) we wish to be clear what you intend to happen as a result of the issue of your 19 March 2010 letter.

Please note the following:

- The 'instruction' applies to INTCs which have been withdrawn by Infraco (INTC 63, 102, 136, 480, 539 & 565). Please confirm how you envisage the 'instruction' applying to these INTCs.
- The "instruction" applies to INTCs in respect of which a tie Change Order has already been issued (INTC 239 & 288). Please confirm how you envisage the "instruction" applying to these INTCs.
- The "instruction" applies to matters which have been allocated an INTC number but which have not been notified formally (INTC 134 & 135). Please confirm how you envisage the "instruction" applying to these INTCs.
- The 'instruction' applies to INTCs where tie dispute a Notified Departure/ deemed tie Change has occurred (INTC 88B, 96, 103, 107, 108, 145, 160, 180, 198, 203K1, 203K2, 203M, 226, 240, 302, 311, 312, 314, 320, 329, 366, 374c, 381, 382, 384, 404, 424, 451, 452, 454, 464, 470, 489, 496, 503, 504 & 523). Please confirm you have accepted that these INTCs are Notified Departures/ deemed tie Changes.
- The 'instruction' applies to INTCs where the scope of the works is as yet uncertain (whether due to lack of design or otherwise) (INTC 67, 80, 81, 114, 123, 138, 146, 154, 155, 156, 158, 172, 182, 200, 226, 227, 236, 251, 270, 277, 278, 281, 287, 292, 306, 311, 316, 319, 375, 376, 377, 378, 379, 380, 400, 406, 411, 412, 440, 447, 450, 452, 461, 464, 465, 467, 468, 478, 499, 500, 501, 503, 512, 522, 529, 540, 541, 549, 566, 66 & 310) or where Infraco is waiting for tie to issue a tie Notice of Change indicating which of the various options Infraco is to use as a basis for preparing its Estimate (INTC 89, 189, 485 & 555). Please confirm on what basis you require Infraco to proceed in these circumstances

- The 'instruction' implies that Infracore is instructed to proceed with the works covered by the INTCs immediately, irrespective of any programming implications. Please confirm this is correct and how this applies in circumstances where Infracore is denied access to the relevant part of the Site (e.g. as a result of the delay in the completion of the MUDFA works) (INTC 117 & 368).
- We read the 'instruction' as applying to the works covered by the listed INTCs and to all works which may become the subject of an INTC in the future. Please confirm this is your intent.
- The 'instruction' applies to INTCs where our records show Estimates have not yet been agreed. To validate your 'instruction' please confirm you have now accepted the terms of all of the outstanding Estimates.

We require your clarification by return.

Yours faithfully,



**M Foerder**  
Project Director  
Bilfinger Berger Siemens CAF Consortium

cc: M. Berrozpe  
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