

Minute of Tram Meeting

16th March 2010

Present: D. Anderson, N. Smith, D. McGougan, R. Jeffrey and H. Dunn

Pitchfork Report

- ready to be circulated;
- Tie will not challenge adjudications;
- continue to apply contract with full force;

Current Issues

- BB want to start at Shandwick Place – request been refused by Tie;
- Tie if conditions are met (e.g., sub-contractors) will suspend the work rather than agree to request;
- need to get clause 80 issue resolved or supplementary agreement in place;
- Darcy/MacKay held disappointed meeting - Darcy being envoy, but not empowered to authorise actions;
- Consortium spoke about panel approach to resolve major six issues - but no clarification as to what six issues are how panel will operate and who would be on it;
- Strategy for Tie to use clause 80(13) and then use breach 90;
- Tie believe panel members (QCs) on dispute resolutions re clause (80) would have a strong legal standing notwithstanding right to follow litigation;
- **DRP:**
 - (a) Balgreen Road: Settled at £298k (Tie original estimate £250k);
 - Baird Drive: Consortium reduced figure significantly;
 - (b) Depot Access Bridge: £7m issue - centres on change re retaining wall. Tie looking for reduction as change made before final pricing. View taken by BB on this DRP appears to be contrary to position on previous DRPs – is this deliberate? Will this set precedent for other DRPs i.e. price based on original specification?
 - (c) Depot Drainage:
Resolution to these DRPs by early May – may help in preparing possible May Council report.

Legal opinion - possibility of getting a panel of three judges

Programme

Tie believes June 2012 still possible;

Tie needs to set out possible pace of work for on street/off street work to show achievability

D. Anderson Role/Communications

Viewed by Tie as not being helpful and not being an honest broker.

RJ spoke to Scotsman – editorial today more helpful to CEC.

Richard Walker's letter discussed. TA to provide acknowledgement of letter at this stage, but no details.

Affordability/Rephasing

No further work been completed to date.

Tram Sub-Committee Meeting 22nd March

Could take presentation in private to give further better understanding of current position;
RJ meeting with Labour Group;
Inform sub-committee that plan is to prepare report for Council in May. RJ questioned whether report was required. Need authority for spend over £545m.

Other Items

CH (Forth Ports) meeting with RJ. View to be given is that full route is still planned as reported to Council in August report and contingency financial arrangements are being developed.

Political aspects re SNP discussed.

Audit Scotland

RJ raised issue of Tie asking Audit Scotland to look at the contract. View was not to proceed with this suggestion. DMcG to meet with Audit Scotland next week.

Media Responses

Possibility of replying to negative media reports raised, e.g., adjudications settled at 40% less than cost requested originally by consortium.

Tram Monitoring Officer

Need for MP to be given full briefing on DRP in order that CEC can show clear understanding of issues raised. RJ to prepare a two page summary providing details of adjudications to date.