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**From:** Nick Smith  
**Sent:** 10 February 2010 12:10  
**To:** Gill Lindsay  
**Subject:** RE: Tram - Infraco Contract

Alastair recommended the review on behalf of the Council and the directors thought it would be sensible. This was before we were advised that McGrigors were also looking at the contract for tie as DLA may be conflicted if they have to be witnesses for a fundamental breach action.

Richard was concerned that DLA may get defensive as to their work if there was a tie instigated review. We also understood that McGrigors were focussing on Schedule 4 issues D&W were therefore asked to review on a desktop basis to get an independent view of the contract exit options. Alastair and the dirs just wanted to ensure that nothing has been missed. We fully expect the D&W review to confirm exactly what we already know ie there is no easy or cheap exit.

The report should arrive soon. I'll send it on when I have it.

Kind regards

Nick

Nick Smith  
Senior Solicitor  
Legal Services Division  
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*Please note that I am not in the office on a Monday*

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**From:** Gill Lindsay  
**Sent:** 10 February 2010 12:01  
**To:** Nick Smith  
**Subject:** RE: Tram - Infraco Contract

Nick,  
Thank you, can you please advise when and how this was set up and on what basis.  
Gill

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**From:** Nick Smith  
**Sent:** 10 February 2010 10:58  
**To:** Gill Lindsay  
**Subject:** FW: Tram - Infraco Contract

Gill

FYI

Kind regards

Nick

Nick Smith  
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**From:** Amanda Methven [mailto:Amanda.Methven@dundas-wilson.com]

**Sent:** 09 February 2010 09:40

**To:** Nick Smith

**Subject:** Tram - Infraco Contract

Nick

We have now largely completed our review of the Infraco Contract documentation and are writing up the report. I don't think there will be any particular surprises for you but am happy to talk through our findings if that would assist in advance of sending the draft report. I will get the report to you tomorrow. Are you free to meet either on Thursday afternoon or Friday morning to discuss?

In the meantime please find attached our draft engagement letter. I'll put the original in the post with our standard form Ts&Cs.

We also came across a tender notice for the Council looking for DRP and possible litigation assistance on a construction contract and wondered if this connected with Tram?

Kind regards

Amanda

<<PRACTICE-#11307184-v1-Engagement\_Letter.DOC>>

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