
From: Richard.Walker@bilfinger.co.uk
Sent: 18 December 2007 10:05
To: Geoff Gilbert; Scott.McFadzen@bilfinger.de; flynn.michael@siemens.com
Cc: Matthew Crosse
Subject: Re: FW: BBS proposed wording on third party agreements

Geoff,
I saw this yesterday however, as identified in my letter to Willie prior to our financial deal meeting in Germany, we have taken no cognisance within our price of any Third Party Agreements including those identified in Shedule 13. In addition, as identified in our letter to Willie and discussed at our meeting, our programme confidence is only valid if the SDS deliver their design as scheduled in our programme submitted prior to Preferred Bidder award, see Programme dated 5/9/2007 as confirmrd to you last night. The programme submitted post PB on 12/12/2007 only allows for completion between the airport and Haymarket and as you are aware from Scott McFadzen we have not included for any overrun of Prelims. We cannot allow known delay by SDS prior to Novation to become the cause of our programme slippage or cost overrun.
I reiterate that all this was on the table prior to the final meeting in Germany and I understood the purpose of this Agreement was to confirm and agree the outcome of that meeting and not to introduce new and additional items. We will of course use our best endeavours to achieve our mutually desired outcome but will not accept additional liability introduced in this way. Trust you will sort it all out, I am available upto 2.00pm

Regards

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