
From: Fitchie, Andrew <Andrew.Fitchie@dlapiper.com>
Sent: 06 July 2009 22:39
To: Stewart McGarrity; Graeme Bissett (external contact); Steven Bell; Richard Jeffrey
Cc: Jordan, Stuart; Kilburn, Keith; Horsley, Chris; Allison, Garry
Subject: RE: Presentation - Private & Confidential
Attachments: Scan001.PDF

FOISA Exempt and legally privileged

Stewart

Initial comments attached.

On the subject of which contract clauses could be highlighted, Steven will have views and we are to look at the draft Foerder letter tomorrow - so the selection I have written on the slide is subject to that discussion and also Stuart Jordan's views.

An assessment of how BSC's behaviours have hurt the Project and **tie** financially (as opposed to generated claims for them) would of considerable help in sustaining an argument for a call on the performance bond and/or the PCGs. As examples:

Can CEC point to a development contribution that has been withdrawn because the project is in delay?

Can Dennis and team analyse that there is value of design change which is demonstrably due to SDS negligence for which BSC is asserting it should be compensated?

kind regards

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From: Stewart McGarrity [<mailto:Stewart.McGarrity@tie.ltd.uk>]
Sent: 06 July 2009 19:12
To: Graeme Bissett (external contact); Steven Bell; Richard Jeffrey; Fitchie, Andrew
Subject: Presentation - Private & Confidential

Private & Confidential

Board presentation as it stands.

Stewart

Stewart McGarrity
Finance Director
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