
From: david.noble@sgn.co.uk
Sent: 16 September 2009 10:50
To: Robert Bell
Cc: Alan Day; allan ross; Graeme Barclay; John Casserly;
john.r.mcintosh@scotiagasnetworks.co.uk; nicola.shand@sgn.co.uk;
stuart.pender@scotiagasnetworks.co.uk; Susan Clark
Subject: RE: SGN - TIE - CEC Indemnity Agreement - URGENT

Bob, further to your attached, and my subsequent return call to yourself yesterday, my stance regarding the Authorisation of R/O Permits associated with the commissioning of new mains remains the same, as instructed, and shall remain so unless I am otherwise directed.

This does not however as previously stated impinge on any other R/O works being submitted - i.e. (known) Mains Abandonment, Drilling and Fitting U/P Clips, that are in accordance with the project programme, trust this assists, thank you.

Regards,
David.

*David G.B. Noble,
Commercial Services Manager,
SGN Commercial,
Mobile: [REDACTED]
Office: [REDACTED]
Fax: 0131-559-6188
E/mail: david.noble@sgn.co.uk*

From: Robert Bell <Robert.Bell@tie.ltd.uk>
To: "david.noble@sgn.co.uk" <david.noble@sgn.co.uk>, Alan Day <alan_day@sgn.co.uk>
Cc: allan ross <allan.ross@scotiagasnetworks.co.uk>, "david.noble@scotiagasnetworks.co.uk" <david.noble@scotiagasnetworks.co.uk>, "john.r.mcintosh@scotiagasnetworks.co.uk" <john.r.mcintosh@scotiagasnetworks.co.uk>, "nicola.shand@sgn.co.uk" <nicola.shand@sgn.co.uk>, "stuart.pender@scotiagasnetworks.co.uk" <stuart.pender@scotiagasnetworks.co.uk>, Susan Clark <Susan.Clark@tie.ltd.uk>, Graeme Barclay <Graeme.Barclay@tie.ltd.uk>, John Casserly <John.Casserly@tie.ltd.uk>
Date: 15/09/2009 13:54
Subject: RE: SGN - TIE - CEC Indemnity Agreement - URGENT

David,

Thank you for copying me in on this. The note you refer to as distributed by Allan Ross was the matter I took up with John McIntosh in my telephone call to him, and I had highlighted the instruction from Allan within my e-mail to John and Alan Day (see red highlighted section below).

I have given John and Alan Day an assurance that tie will seek to resolve this matter urgently and will maintain a senior management focus on this over the coming weeks. I pointed out that Allan's instruction was having an immediate impact on our ability to progress works, hence Alan's agreement to relax Allan Ross's instruction. As you are probably aware Allan Ross is on holiday and I was unable to discuss this with him directly.

Could you please confirm you are happy with the way forward I have agreed with Alan, or give me a call on 07896 691994 to discuss,

Regards,

CEC00797890_0001

Bob.

From: david.noble@sgn.co.uk [mailto:david.noble@sgn.co.uk]
Sent: 15 September 2009 10:37
To: Alan Day
Cc: allan.ross; david.noble@scotiagasnetworks.co.uk; john.r.mcintosh@scotiagasnetworks.co.uk; nicola.shand@sgn.co.uk; Robert Bell; stuart.pender@scotiagasnetworks.co.uk; Susan Clark
Subject: RE: SGN - TIE - CEC Indemnity Agreement - URGENT

Alan, further to your attached I would refer you to the note distributed by Allan Ross on this matter prior to him going on holiday, which clearly states that SGN shall not be authorising any R/O's that involved the commissioning and adopting of any pipes.

However other R/O procedures involving known Mains Abandonment (not involving commissioning of pipes) Fitting U/P Clips / Drillings may be submitted.

Therefore under such circumstance I am unable to authorise any R/O's that involves the commissioning of any pipes, this until such times the matter has been successfully resolved and I am instructed to resume R/O Authorisation (commissioning of pipes), thank you.

Trust this assists.

Regards,
David.

David G.B. Noble,
Commercial Services Manager,
SGN Commercial,
Mobile: [REDACTED]
Office: [REDACTED]
Fax: 0131-559-6188
E/mail: david.noble@sgn.co.uk

From: Alan Day <alan_day@sgn.co.uk>
To: <robert.bell@tie.ltd.uk>, <john.r.mcintosh@scotiagasnetworks.co.uk>
Cc: allan.ross <allan.ross@scotiagasnetworks.co.uk>, <nicola.shand@sgn.co.uk>, <susan.clark@tie.ltd.uk>, <stuart.pender@scotiagasnetworks.co.uk>, <david.noble@scotiagasnetworks.co.uk>
Date: 15/09/2009 07:59
Subject: RE: SGN - TIE - CEC Indemnity Agreement - URGENT

Bob

Further to our phone call this morning and in the absence of Allan Ross I would propose that the current embargo on commissioning new mains is lifted from this date for a period of two weeks. This will allow you to proceed on the immediate programme critical actions whilst giving notice of the seriousness of this outstanding issue.

Allan Ross will be back from holiday during this period and will review on his return

Stuart/David - can you please note the above and progress RO/NRO s accordingly.

CEC00797890_0002

Regards

Alan

From: Robert.Bell@tie.ltd.uk
To: John.R.Mcintosh@scotiagasnetworks.co.uk
CC: alan_day [REDACTED] Allan.Ross@scotiagasnetworks.co.uk; nicola.shand@sgn.co.uk;
Susan.Clark@tie.ltd.uk
Date: Mon, 14 Sep 2009 16:15:43 +0100
Subject: FW: SGN - TIE - CEC Indemnity Agreement - URGENT

John,

As discussed, please see highlighted comment from Allan below. If SGN can call off the dogs for a few weeks we will endeavour to have the matter resolved as a matter of priority from our side and I will ensure the appropriate senior management focus is put on this. The issue has obviously been ongoing for a while, but SGN taking this action with little notice impacts on our immediate programme (albeit Allan may have been discussing this with our Utilities guys for some time).
I will discuss this further with Alan Day.

Thanks for your help (in anticipation),

Bob.

From: John Casserly
Sent: 10 September 2009 11:12
To: Susan Clark
Cc: Frank McFadden
Subject: FW: SGN - TIE - CEC Indemnity Agreement - URGENT

John Casserly
Commercial Manager - MUDFA

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www.tie.ltd.uk

From: John Casserly
Sent: 09 September 2009 10:43
To: Graeme Barclay
Subject: FW: SGN - TIE - CEC Indemnity Agreement - URGENT

GB

FYI and discussion as to way forward

CEC00797890_0003

John

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www.tie.ltd.uk

From: allan.ross@sgn.co.uk [<mailto:allan.ross@sgn.co.uk>]
Sent: 08 September 2009 14:50
To: John Casserly
Cc: alan_day [REDACTED] allan.ross@sgn.co.uk; david.noble@sgn.co.uk; Michael Blake; nicola.shand@sgn.co.uk
Subject: RE: SGN - TIE - CEC Indemnity Agreement - URGENT

John

Thank you for the prompt response. With regard to the specific points that you have raised:

1. When SGN considered your request to provide Tie with a copy of the "standard SGN terms and conditions" in relation to adoption / protection etc, our view was that the standard terms and conditions related to similar but different works, i.e. relating to the adoption of new connections assets undertaken by a GIRS registered Contractor or by a GIRS registered Project Management Company. Under GIRS, a third party authority, typically Lloyds, audits the competence of the Contractor or the Project Management Company to determine if they should receive GIRS accreditation. The GIRS registration scheme provides SGN with a level of assurance and comfort that the works are being undertaken by a competent Project Management Company and by a competent Contractor. Additionally, under our standard terms & conditions, SGN have the right to undertake on site quality audits. Again this provides confidence to SGN that the works are to the required standards.

SGN does not have a standard set of terms and conditions for the adoption of diverted assets. Under these circumstances, SGN has produced an Indemnity Agreement that reflects the increased level of risk associated with the proposed adoption of diverted assets, located in vulnerable and congested locations by a non GIRS accredited Project Management Company (Tie) where SGN does not have the contractual right to directly audit Tie appointed and managed Contractor (Carillion). You will also be aware, that SGN has repeatedly highlighted to Tie concerns regarding the lack of quality management being exercised on Carillion by Tie. this has resulted in a number of sections of pipes being re-laid or internal pigged to remove water and debris.

Based on the above, I do not think that the standard terms and conditions relating to GIRS registered connections adoption is relevant.

2. With regard to authority to reinstate the adoption of diverted assets, Nicola Shand can advise the Alan Day or David Noble to resume permit approval for diverted mains should the matter being resolved in the near future.

I would again request that Tie expedite this matter urgently to avoid disruption to your programme. SGN are keen to not to adversely affect your operations, however we will not continue to adopt pipes which adequate protective measures.

Regards,

Allan Ross

CEC00797890_0004

Contracts Manager
Scotia Gas Networks

[REDACTED]

Inchcolm House, 11 West Shore Rd, Edinburgh, EH5 1RH

From: John Casserly <John.Casserly@tie.ltd.uk>

To: "allan.ross@sgn.co.uk" <allan.ross@sgn.co.uk>

Cc: Michael Blake <Michael.Blake@tie.ltd.uk>, "alan_day [REDACTED] alan_day [REDACTED]" <nicola.shand@sgn.co.uk>
<nicola.shand@sgn.co.uk>, "david.noble@sgn.co.uk" <david.noble@sgn.co.uk>

Date: 08/09/2009 13:30

Subject: RE: SGN - TIE - CEC Indemnity Agreement - URGENT

Alan

As requested previously please provide a copy of the standard SGN terms and conditions in relation to adoption/protection against defects/pipes laid out of specification to allow consideration of your proposal as soon as possible.

As you have issued your proposal today for our review, and I believe you are on holiday from tomorrow until 24th September, please confirm that Nicola has the authority to discuss and agree a solution in your absence and if such an agreement is reached also has the authority to instruct the re-commencement of SGN approval of permits for commissioning mains.

Regards

John

John Casserly
Commercial Manager - MUDFA

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From: allan.ross@sgn.co.uk [<mailto:allan.ross@sgn.co.uk>]

Sent: 08 September 2009 11:04

To: John Casserly

Cc: Michael Blake; alan_day [REDACTED] nicola.shand@sgn.co.uk; david.noble@sgn.co.uk

Subject: SGN - TIE - CEC Indemnity Agreement - URGENT

John

Further to our recent correspondence and discussion, please find attached a proposed tripartite Indemnity Agreement

CEC00797890_0005

between Scotland Gas Networks, Tie and City of Edinburgh Council for the adoption of gas apparatus by SGN from Tie, associated with the Tram Project in Edinburgh.

This Agreement is required by SGN to ensure that the assets to be adopted are fit for purpose and that SGN have reasonable protection against defects or pipes laid out of specification.

For the avoidance of doubt, I have advised all SGN staff involved in the project not to approve permits to commission mains until this matter is resolved. It is therefore important that this matter is deal with speedily by Tie so as not to impact on your programme.

Can I also request that you forward a copy of the Indemnity Agreement to the appropriate person in CEC for consideration.

Finally, can I ask that you directly any comments to Nicola Shand, (e-mail details shown above) SGN Commercial Solicitor, who is dealing with this matter.

Regards,

Allan Ross
Contracts Manager
Scotia Gas Networks



Incholm House, 11 West Shore Rd, Edinburgh, EH5 1RH

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Web: www.sgn.co.uk

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