
From: Fitchie, Andrew <Andrew.Fitchie@dlapiper.com>
Sent: 26 February 2009 19:45
To: Steven Bell; Graeme Bissett (external contact)
Cc: David Mackay; Jordan, Stuart
Subject: RE: Strictly Private and Confidential - ETN/ BSC Correspondence

Sensitivity: Confidential

Legally privileged and FOISA exempt

Steven

Noted. We believe the chain is clear.

Something tells me that you will receive a response with an new impediment in it. If so , there is evidence that bad faith as well as instructiveness entering the correspondence and tie should point this out.

On the subject of bad faith: I took interest in the conversation that was reported between Donald McG and Richard Walker in which there appears to have been an attempt to bluff round the Client asking if the supply chain is properly under contract.

One of the recommended parallel screw tightener actions by **tie** is a written repeat of the demand for BSC to provide all key contractor subcontractor warranties in the stipulated form and to a stated deadline. tie is in fact obliged to provide these to CEC under the Operating Agreement and BSC is obliged, under the Infraco Contract , to obtain them before it enter into the subcontracts. if they are not provided without sustainable reason, tie is entitled to retain money applied for regarding that works package.

kind regards

Andrew Fitchie
Partner, Finance & Projects
DLA Piper Scotland LLP

T: [REDACTED]
M: [REDACTED]
F: [REDACTED]

 Please consider the environment before printing my email

From: Steven Bell [mailto:Steven.Bell@tie.ltd.uk]
Sent: 26 February 2009 19:31
To: Graeme Bissett (external contact)
Cc: Fitchie, Andrew; David Mackay; Jordan, Stuart
Subject: RE: Strictly Private and Confidential - ETN/ BSC Correspondence
Sensitivity: Confidential

Graeme

I had previously clarified that David Mackay's letter of 19 February, copied by me to Colin Brady was an instruction to proceed with the change on Princes Street based on the Infraco email of 18 February.

I had required them to limit their works to completion of enabling and TM etc. in my email of 20 February as a result of a suggestion that they work on an extra contractual basis with risk transferred to tie until they confirmed that

progress would be undertaken in accordance with the risk allocation (including health and safety) within the Infraco contract. (BSC letter of 25 February, final paragraph).

My first paragraph of this letter lifts the limitation previously placed and the final paragraph reminds them that they are required to proceed.

Call me to discuss if required.

Steven

Steven Bell
Edinburgh Tram Project Director

tie Limited
Citypoint
65 Haymarket Terrace
Edinburgh EH12 5HD

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Email: steven.bell@tie.ltd.uk

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From: Graeme Bissett [mailto:graeme.bissett@[REDACTED]]
Sent: 26 February 2009 18:51
To: Steven Bell
Cc: Andrew Fitchie
Subject: FW: Strictly Private and Confidential - ETN/ BSC Correspondence
Sensitivity: Confidential

Sorry to be jumping into the middle of an exchange, but this letter does not actually instruct them to proceed, are you / Andrew comfortable that there is in place a clear instruction to do so ?

Regards
Graeme

Graeme Bissett
m : +44 [REDACTED]

From: Julie Smith [mailto:Julie.Smith@tie.ltd.uk]
Sent: 26 February 2009 17:43
To: Steven Bell; Susan Clark; Stewart McGarrity; Colin McLauchlan; Jim McEwan; Dennis Murray; Frank McFadden; Graeme Bissett; Alastair Richards - TEL; David Mackay; Bill Campbell
Cc: Julie Thompson; Hazel Kennedy
Subject: Strictly Private and Confidential - ETN/ BSC Correspondence
Sensitivity: Confidential

Dear All,

Please find attached correspondence from Steven that went to the BSC Consortium this evening.

Kind regards

Julie

Julie Smith
PA to Susan Clark - Edinburgh Tram Deputy Project Director
PA to Steven Bell - Edinburgh Tram Project Director

tie limited
CityPoint
65 Haymarket Terrace
Edinburgh
EH12 5HD

Tel: [REDACTED]
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For more information please go to - www.edinburghtrams.com
www.tie.ltd.uk

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