
From: Fitchie, Andrew
Sent: 21 September 2008 13:57
To: 'graeme.bissett@[REDACTED]'
Subject: Re: Base Date Design Information

Shd work on timing.

This resonates with the surreal conversation I had with R Walker in February when he asked me "does tie have enough money for this? Because they will need it."

Talk to you tomorrow.
Andrew Fitchie
Partner
DLA Piper Scotland LLP
T: [REDACTED]
M: [REDACTED]
F: [REDACTED]

From: Graeme Bissett
To: Fitchie, Andrew
Sent: Sat Sep 20 13:23:42 2008
Subject: RE: Base Date Design Information
Sorry, pm if possible.

Regards
Graeme

Graeme Bissett
m : [REDACTED]

From: Graeme Bissett [mailto:graeme.bissett@[REDACTED]]
Sent: 20 September 2008 12:54
To: 'Fitchie, Andrew'
Subject: RE: Base Date Design Information

Andrew, I've had some indirect discussions on this and there isn't a sense of real risk around tie. Can we discuss please, it does feel like there is some size of alligator out there.

Give me a call on Monday am if you are free.

Regards
Graeme

Graeme Bissett
m : [REDACTED]

From: Fitchie, Andrew [mailto:Andrew.Fitchie@dlapiper.com]
Sent: 12 September 2008 12:07
To: Graeme Bissett
Subject: Base Date Design Information

Legally Privileged and commercially sensitive

Graeme

In your Tsar of legal budget/instructions role


I sense that there is a dispute arising around the way in which BB prepared its pricing and its Pricing Assumptions. We have been supporting Dennis and Steven on this and I have now -with Dennis's instruction - briefed on of our litigation colleagues. We will not do any serious engagement on this without discussion and instruction but if there is a DRP process this is likely to move quickly and tie need to be well prepared.

A very critical issue will be: what drawings and design data BBS were given access to (and were using prior to the 25th November 2008: "Base Date Design Information") - the date used as a freeze (given the on-going work at that time by SDS) in terms of the maturity of drawings being used by BBS to fix their pricing and set up their pricing assumptions - which have been contractualised. I understand that this is being chased down at the moment. Prior to and at Close, we were waiting to be given that information set - but it did not eventuate in time -so that BB may seek to say that their INfraco Proposal drawings are the only drawings that should be recognised. This is a weak position but the absence of precision on what constitutes Base Date Design Information is not helpful.

kind regards

Andrew Fitchie
Partner, Finance & Projects
DLA Piper Scotland LLP

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

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