
From: Mark Hamill
Sent: 30 April 2008 09:11
To: Susan Clark
Subject: RE: Risk Matrix

Susan,

They were not on the risk register as they were not our risks – they had previously been identified by DLA as private sector risks and this appears to have changed. If this is the case, I thought we should all be aware.

Give me a shout if you want to discuss.

Mark

From: Susan Clark
Sent: 30 April 2008 09:09
To: Mark Hamill
Subject: RE: Risk Matrix

Mark

When you say that these were previously private sector and are now shared or public sector, did you have them identified in the Tram risk register as private sector risks or is this how DLA had previously identified them?

Susan

Susan Clark

Deputy Project Director - Tram

.....
tie limited

CityPoint

65 Haymarket Terr

Edinburgh EH12 5HD

Tel: [REDACTED]

Fax: +44 (0)131 622 8301

Mobile: [REDACTED]

Email: susan.clark@tie.ltd.uk

From: Mark Hamill
Sent: 28 April 2008 10:44
To: Stewart McGarrity

Cc: Susan Clark; Steven Bell; Andrew Fitchie

Subject: RE: Risk Matrix

All,

I have reviewed the updated risk matrix and have raised the following points. You all may be aware of these issues however, for completeness, I need to highlight them:

There are more changes than those listed below however I believe these are the ones which I need to highlight as being material changes. I have not been party to any commercial discussions therefore the points raised below may well have been discussed and accepted at a higher level however, for the avoidance of doubt, I thought I should ask the questions.

[7.5.4] Failure to use reasonable endeavours to safeguard the efficiency in the obtaining of Consents and [10.10] Failure to provide Deliverables in accordance with the Infraco Contract.

The above were previously private sector risks which have now become 'shared' in relation to design. Is **tie** content with this?

[11.2.1] Failure of the Infraco to procure and provide to tie a collateral warranty from the SDS Provider. [11.3] Failure to procure that the SDS Provider carries out and completes the SDS Services.

The above were previously private sector risks and are now shared. Is **tie** content with this?

[12.1] Failure to procure that the Tram Supplier enters into a collateral warranty in favour of tie and to deliver same to tie.

[12.2] Failure to procure that the Tram Supplier carries out and completes the Tram Supply Obligations in accordance with the Tram Supply Agreement.

The above were previously private sector risks and are now shared. Is **tie** content with this?

[13.2] Failure to procure that the Tram Maintainer enters into a collateral warranty in favour of tie.

The above was previously a private sector risk and is now shared. Is **tie** content with this?

[14.1] Failure to carry out and complete tie's Obligations (to be defined).

[15] Establishment of Local Codes of Construction Practice, identification and settlement of issues and resultant delay or disruption.

The above were previously private sector risks and are now public sector. Is **tie** content with this?

[19.1] NOTE: CONSENTS CLAUSE 19 STILL UNDER DISCUSSION - Failure to obtain and maintain all TTROs TROs and tie Consents

[19.2] Failure to provide required information to enable tie to obtain a TTRO and all other reasonable assistance and support to tie in obtaining the TTROs, TROs and tie Consents.

The above were previously shared risks and are now public sector. Is **tie** content with this?

19.5/19.6] Failure of the Infraco to obtain Design Stage Consent in respect of a design for which SDS is responsible provided that the Infraco has:

- **the Infraco has informed tie of the reasons given by the Approval Body;**
- **the Infraco has managed the SDS Provider;**
- **such failure is not as a result of reprogramming the Infraco Works or reprioritising the design or late submissions;**
- **the Infraco has mitigated the impact of such failure and afforded tie the opportunity to resolve matters with the Approval Body; such failure is not as a result of SDS failure to perform in terms of quality**

The above was previously a shared risk and is now public sector. Also, the bullet points have since been added. Is **tie** content with this?

[19.7] Failure of the Infraco to obtain Design Stage Consent in respect of a design for which SDS is responsible where the Approval Body has required an unanticipated change to design or has not delivered the consent according to the Consents Programme.

The above was previously a shared risk and is now public sector. Is tie content with this?

[19.10] Responsibility for obtaining Network Rail Possessions.

The above is a new clause which is a public sector responsibility. Is tie content with this?

[20.5] Where a building fixing agreement is to be used, securing the consent of the Heritable Proprietor and any other relevant party to allow the Infraco to carry out a survey and securing the agreement of the Heritable Proprietor to allow the setting of such building fixings (both at Infraco cost)

The above was a private sector risk which is now a public sector risk. Is tie content with this?

Regards,

Marl

From: Graeme Bissett [redacted]
Sent: 28 April 2008 08:44
To: Stewart McGarrity; Mark Hamill
Cc: Susan Clark; Steven Bell; Andrew Fitchie
Subject: RE: Risk Matrix

I've committed to issuing our Close Report and the DLA letter / matrix today Monday. Can the review of the risk matrix be completed, including discussing any points with Andrew by c4pm please ?

Regards

Graeme

Graeme Bissett
[redacted]

From: Stewart McGarrity [mailto:Stewart.McGarrity@tie.ltd.uk]
Sent: 25 April 2008 14:54
To: Mark Hamill
Cc: Susan Clark; Steven Bell; Graeme Bissett
Subject: FW: Risk Matrix

Mark,

Please can you find time to have a look at the attached compared to what we had back in March and have a chat with me late on Monday at which time we might conclude there is no impact on our previous QRA.

Cheers,

Stewart

Stewart McGarrity
Finance Director
TIE Limited

From: Hoshal, Nikki [mailto:Nikki.Hoshal@dlapiper.com]
Sent: 25 April 2008 14:16
To: Stewart McGarrity
Cc: Graeme Bissett; Fitchie, Andrew
Subject: Risk Matrix

Hello Stewart,

Please find attached to this email 2 versions of the Risk Matrix. The first is black lined and the second is cleaned.

Regards,
Nikki

Nikki Hoshal
Legal Secretary to Andrew Fitchie & Sharon Fitzgerald
Finance & Projects
DLA Piper Scotland LLP
Edinburgh
T: +44 [REDACTED]
F: +44 [REDACTED]

This email is from DLA Piper Scotland LLP. The contents of this email and any attachments are confidential to the intended recipient. They may not be disclosed to or used by or copied in any way by anyone other than the intended recipient. If this e mail is received in error, please contact DLA Piper Scotland LLP on +44 (0) 8700 11111 quoting the name of the sender and the email address to which it has been sent and then delete it. Please note that neither DLA Piper Scotland LLP nor the sender accepts any responsibility for viruses and it is your responsibility to scan or otherwise check this email and any attachments. DLA Piper Scotland LLP is a limited liability partnership registered in Scotland (registered number SO300365), which provides services from offices in Scotland. A list of members is open for inspection at its registered office and principal place of business Rutland Square, Edinburgh, EH1 2AA. Partner denotes member of a limited liability partnership. DLA Piper Scotland LLP is regulated by the Law Society of Scotland and is a member of DLA Piper, a global legal services organisation, the members of which are separate and distinct legal entities. For further information, please refer to www.dlapiper.com. -----

The information transmitted is intended only for the person to whom it is addressed and may contain confidential and/or privileged material. If you are not the intended recipient of this e-mail please notify the sender immediately at the email address above, and then delete it.

E-mails sent to and by our staff are monitored for operational and lawful business purposes including assessing compliance with our company rules and system performance. TIE reserves the right to monitor emails sent to or from addresses under its control.

No liability is accepted for any harm that may be caused to your systems or data by this e-mail. It is the recipient's responsibility to scan this e-mail and any attachments for computer viruses.

Senders and recipients of e-mail should be aware that under Scottish Freedom of Information legislation and the Data Protection legislation these contents may have to be disclosed to third parties in response to a request.

tie Limited registered in Scotland No. SC230949. Registered office - City Chambers, High Street, Edinburgh, EH1 1YT.
