



**Property & Legal Meeting**

**20<sup>th</sup> November 2007**

**Present:** **Duncan Fraser, Colin Mackenzie, Alan Squair, Steve Sladdin, Steve Hajducki, Nick Smith, David Cooper,**

**Apologies:** **Rebecca Andrew; Alan Coyle**

**Action**

**General**

SH made comment regarding the hold up in traffic (on his way to meeting) due to roadworks. DF said this was not due to MUDFA but Scottish Gas. SH also made comment of private cars being parked beside contractor's vans, therefore making situation worse.

Confirmation has been received from Brian Butler that it is only operational vehicles that can be on site and not private cars (traffic wardens are therefore able to issue parking tickets to private cars) AB to put in writing to tie.

**AB**

**Timesheets**

Programme circulated by Alan Coyle showing existing staff timesheet deficit. Legal staff outstanding. Still working on programme for backfilling staff.

**AC**

Managers to confirm update on projection for year ending -  
Legal  
Planning

**CMcK/AS  
SH**

**Developers Contributions**

Negotiations on Forth Ports circa £28m have started with an inception meeting and it is not expected that Heads of Terms will be settled before financial close (12<sup>th</sup> January 2008)

Further Statement required from Charles Hammond regarding support for the sum by FP.

Seeking from D&W/tie the opportunity for the Council to agree a Draft Heads of Terms in advance so that there can be effective consideration within the Council and a formal response made to tie

**CMcK/AS**

Development Contributions going back to Committee regarding written response to policy re – legal ground

**AS**

DTZ inception meeting on 17<sup>th</sup> about review of £45m CEC contribution – reporting back end of this week with a draft report of issues.

	<b>Action</b>
<b><u>Final Business Case</u></b>	
tie are committed to providing CEC with necessary information to close out technical and prior approvals.	
tie are to come back with programme information for technical and prior approvals aligned with the Infraco priorities and the current indication on their policy approvals. No technical approvals at all.	
Topics of Final Business Case List were circulated for comment. List to be updated by DMF and e-mailed to P&L team.	<b>DMF</b>
Draft report by DMF by the 12 <sup>th</sup> - Final Council Report 13 <sup>th</sup>	
£498m is negotiated figure but this is expected to rise by end of contract – contingency provision.	
Duncan to e-mail Mark Hamil of tie regarding how does QRA Risk Register take full account of tie entering into a fixed price contract without having any approved designs with the Council.	<b>DMF</b>
PB Document – Response required by all. SD to print out e-mail for DMF.	
Tie have largest price of £498m for reasons they have this as final closing price of BBS we do not necessarily agree with this as noted in the IPG Meeting there is concern that the Final closure price will increase for a range of reasons including lack of agreed technical and prior approvals and mismatch between the current designs and BBS assumptions.	
Consequently the concern is that any variation to a fixed price contract results in increased scope of works and delay or disruption claims, and this may prejudice to provide a best value outcome.	
Pricing by BBS based on 60% detailed design approved which is unapproved.	
Consequently there should be a risk premium of £25m to take account of unapproved design. £498m + Risk.	
Ask tie what they believe is the outcome base figure Risk Premium.	<b>DMF</b>
Tie estimate actual cost for project.	
DMF to e-mail tie to close off this issue.	
<b><u>Operating Agreements</u></b>	
1. Alan Coyle has set up Series of dates for OCIP Presentation	
2. Alan following up tax situation that tie were seeking advice from PWC. This is currently with the Inland Revenue.	<b>AC</b>

<u>Tie Operating Agreement</u>	<b>Action</b>
Nick Smith has prepared agreement and once all comments have been received from tie will consult with DMF & RA.	
<u>TEL Operating Agreement</u>	<b>Action</b>
Changes have been incorporated by Jenny Drummond CMcK should have this agreement by e-mail today.	
<b><u>BAA</u></b>	
To be signed off on 27 <sup>th</sup> November.	
<b><u>Forth Ports</u></b>	
Heads of Terms have been signed off.	
<b><u>SRU</u></b>	
Bob McCafferty dealing with this. Alan Squair to seek clarification that Flood Prevention money is to be provided to tram for these additional costs.	<b>AS</b>
<b><u>Haymarket</u></b>	
Copy of Report by SKS to be e-mailed to SD or circulation.	<b>SKS</b>
<b><u>GVD</u></b>	
tie have indicated a clash flow programme. It is not clear why and it's not clear what the programme implications are. tie to clarify:	
1. Grant Award Letter	
2. Ministerial Approval (Willie Gallagher to speak to minister)	
GVD 5 November financial constraints removed.	
GVD 6 (Issues not considered on GVD5) Timescale still December.	
<b><u>Network Rail</u></b>	
Compulsory Purchase – Dispute Resolution Meeting between Andrew Holmes and Ron McAuley is arranged + Network Rails Issues (26 <sup>th</sup> November)	
Clear indication of issues – report back to Andrew Holmes. These are to be negotiated at meeting tomorrow.	<b>SKS</b>
<b><u>Tram Organisation Structure</u></b>	
Still outstanding – needs updated to be in line with Final Business Case Report	<b>DMF</b>
DMF to e-mail Graeme Bisset to modify version 2.	<b>CMcK</b>
Organisation Structure to be completed by next week for Councillor Phil Wheeler meeting.	<b>DMF</b>



**AOB**

1. Gogar Depot Water Pipe – Side Agreement
2. Deliverables – Susan Clark. Alan Strong to respond.

**Action**

**AS**

**Next meeting 27<sup>th</sup> November in the Brunel Room @ City Point**





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**AGENDA**

1. General
2. Timesheets
3. Developers Contributions
4. Final Business Case
5. Operating Agreements
6. BAA
7. Haymarket
8. GVD
9. Network Rail
10. Tram Organisational Structure
11. Gogar Depot Water Pipe – Side Agreement
12. Deliverables
13. CEC Risks
14. A.O.B.