

Property & Legal Meeting

11th December 2007

Present: **Duncan Fraser, Colin Mackenzie, Steve Sladdin,
Steve Hajducki, Nick Smith, Alan Coyle**

Apologies: **Rebecca Andrew, David Cooper, Alan Squair,**

Action

FBC Report

- Current positions is that the report is going to the Full Council on 20th December
- Risk Paper sent to the three Directors, Andrew Holmes, Donald McGougan and Jim Inch. IPG has been called in respect of this on 11th December.
- Directors to consider where Council is today and whether appropriate to go to the 20th.
- Terms of price
 - Fixed price for structures
 - Fixed price from Airport to Haymarket
 - Re-measured price from Haymarket to Newhaven
- Council is not clear on Scope of Works and it is not clear tie is clear on Scope of Works. Needs to be a fuller understanding of this position to enter into a fixed price contact.
- Because of the above 2 possible outcomes
 - (1) Need to get fixed price. However, will a fixed price put the cost of variation e.g. during design approvals, it may result in a rise of costs..
 - (2) Wall fixing risk requires to be subject to a change control.
- BBS will agree to get all approvals done - BBS have said no.
- There will be a national increased cost on the Council
- Donald McGougan keen to have control over contract with a sensible price instead of a compressed price.

BAA

- Lease with Manager for signing this should be passed to Council Solicitor tomorrow.
- Lease should be with Council Solicitor for signature this week.

Network Rail

- Lease is yet to be agreed but is being negotiated.
- Meeting with tie and Network Rail on Thursday
- Gradually getting to an agreement – reasonably positive.

CEC/Tie

- Draft Lease to tie on 7th December
- Satisfied we have enough Comfort for BBS

Forth Ports

- Draft Agreement not out yet. Negotiations with Forth Ports still ongoing.

Transport Scotland

- Grant Award to be finalised.

Guarantee

First full obligation. A Fitchie waiting on BBS Comments. Need for further discussions

PWC Duty of Care – satisfied with duty of Care to Council.

PWC Report – still awaited

Tie Operating Agreement – okay.
TEL Operating Agreement has been set aside.

Final Business Case

Governance Section needs to be amended.

John Swinney has asked for a copy of FBC2 for Thursday.

Andrew Holmes – Council Report on 20th December

Negotiations of terms of agreement have been delegated to Council Solicitor and Director of Finance

Next Meeting 18th December 2007 @ 10:00 in the break out area on the 1st floor