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**From:** Colin MacKenzie  
**Sent:** 07 December 2007 16:17  
**To:** Gill Lindsay  
**Cc:** Alan Squair; Nick Smith  
**Subject:** FW: CEC Mandate  
**Attachments:** 15388086\_1\_UKMATTERS(Letter to City of Edinburgh Council 15.08.07).DOC

Gill,

Andrew Fitchie has copied you in on the appointment letter. I have indicated to him that I would leave this with you to conclude, as previously anticipated.

Regards,

Colin MacKenzie  
for Council Solicitor

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**From:** Fitchie, Andrew [<mailto:Andrew.Fitchie@dlapiper.com>]  
**Sent:** 07 December 2007 13:01  
**To:** Colin MacKenzie  
**Cc:** Susan Clark; Fitzgerald, Sharon; Gill Lindsay  
**Subject:** FW: CEC Mandate

Colin

You had asked Sharon for a copy of the letter I proposed to Gill covering DLA Piper's Duty of Care.

It is attached. As mentioned, Gill and I discussed this shortly after its production on either the 19th or 26 August - I had understood that there might some minor points that requiring adjustment. I confess that I did not follow through with Gill on what these were - the best of my memory , Gill was going to think on it and let me know - but the thrust of the letter stands most certainly.

If you would like this signed now, let me know.

Kind regards

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**From:** Fitchie, Andrew  
**Sent:** 16 August 2007 12:22  
**To:** [gill.lindsay@edinburgh.gov.uk](mailto:gill.lindsay@edinburgh.gov.uk)  
**Subject:** CEC Mandate

Gill

I very much appreciated you call and the direct contact.

As discussed, I attach a draft of the letter I would propose to send to the Council to affirm our duty of care and the joint client status. It is based on the letter I mentioned we had provided to **tie** (and intended to be have been provided to the Council) in June 2005. Please let me know if there is anything you would wish to add or alter.

I do not envisage any conflict of interest here; to the contrary - in closing the required supply contracts as part of the procurement process, there needs to be complete commonality of interests and objectives among


the Council, **tie** and TEL. That is not to say that there will be and will have been detailed discussions (in which we would have our role as advisers for the Project) on key issues in order to reach that commonality.

After the letter is acknowledged by the Council, we would have it signed by **tie** to complete the formal amendment to the Appointment.

Lastly, I confirm that we are working with **tie** to produce a risk allocation matrix aligned with the draft contracts to be presented to CEC Legal at a date now being arranged.

Kind regards and look forward to seeing you in due course.

**Andrew Fitchie**  
**Partner, Finance & Projects**  
DLA Piper Scotland LLP  
T: +44 [REDACTED]  
M: +44 [REDACTED]  
F: +44 [REDACTED]

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