
From: Alan Coyle
Sent: 22 October 2007 15:21
To: Colin MacKenzie
Cc: Rebecca Andrew; Duncan Fraser
Subject: RE: Operating agreements
Attachments: FW Critical Issues emerging from OGC.htm

Colin

Donald had a conversation with Andrew Holmes today on tie's current lack of contract management skills and to the OGC recommendations (which was very dismissive). The upshot of the conversation is that Andrew is going to discuss the matter with Willie Gallagher. In the attached email Duncan has gone into further detail in addition to Rebecca's comments on contract management. I would be of the opinion that the operating agreement must have something in it for tie to establish a contract management team that CEC officers are happy with. I'm sure given Duncan's level of knowledge in these matters he would concur and be able to give excellent guidance on this issue.

Regards Alan

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[REDACTED]

From: Colin MacKenzie
Sent: 22 October 2007 13:01
To: Alan Coyle; Duncan Fraser
Subject: FW: Operating agreements
Importance: High

Alan and Duncan,

Please see text below. Gill has asked me to liaise with you before this evening's LAG meeting. There is likely to be discussion about the timetable for conclusion of the two operating agreements. Have you any thoughts on the matter ?

Kind regards,

Colin MacKenzie
for Council Solicitor

From: Colin MacKenzie
Sent: 22 October 2007 11:03
To: Gill Lindsay
Cc: Alan Squair; Nick Smith; Jenny Drummond
Subject: FW: Operating agreements

Gill,

Please see message below sent to Alasdair.

It is difficult to say when the respective agreements will be concluded, particularly given the concerns expressed by OGC about tie's ability to project-manage. As we discussed last week, I am having a further look at the governance issues to see if there are any fundamental sticking points to be raised with Donald McGougan. My feeling is that even if first drafts are ready this week, as intimated, there may be a significant amount of work still to be done to fully protect the Council's interests. It appears to me that despite Nick's promptings for instructions over the last six weeks, the clients have not seriously considered what they want tie to do over the delivery phase. Now an independent body

has identified concerns we previously raised, the issue is being given more prominence by Finance and City Development.

Clearly, one option is for **tie** simply to throw more resources at the matter, but I would also wish to ensure that the Council's interests as Promoters and "clients" are fully protected through the various Operating Agreements and general governance mechanism.

Regards,

Colin

From: Colin MacKenzie
Sent: 19 October 2007 16:53
To: 'Alasdair Sim'; Alan Squair
Subject: RE: Operating agreements
Importance: High

Alasdair,

I would hope to see the first draft of the **tie** Operating Agreement at the end of next week. That will initially be for internal discussion with client department colleagues, before it can be released to **tie**. I will also be interested to learn whether there are any implications for governance/operating agreements arising at the Council meeting on 25 October.

My colleagues who are working on the TEL draft are not about at the moment, although I do know that document is much more developed than the **tie** draft. Similarly I do not see that being released before the end on next week.

Kind regards,

Colin MacKenzie
for Council Solicitor

From: Alasdair Sim [mailto:Alasdair.Sim@tie.ltd.uk]
Sent: 18 October 2007 09:14
To: Alan Squair; Colin MacKenzie
Subject: Operating agreements

Colin/Alan

Can you please update me on the status of the tie and TEL operating agreements in advance of the Legal Affairs Committee meeting on Monday 22nd?

Thanks and regards
Alasdair

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