



**Parsons
Brinckerhoff**

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Our Ref: ULE90130-03-LET-00199

12th February 2008

tie Limited
CityPoint, 1st Floor
65 Haymarket Terrace
Edinburgh
EH12 5HD

Attention: Graeme Barclay

Dear Graeme

Utilities Design Sub-Section 3A, 3B & 3C

SDS confirm receipt of **tie** letter ref DEL.MUDFA.6580 dated 15th January 2008.

We are surprised at the content of the letter as it was expected that the confirmation from **tie** was to move forward with the re-design of Section 3 following the relevant Change Order Instruction from **tie**. This was the route formally discussed at previous Utility Progress Meetings. Unfortunately SDS cannot agree to the **tie** letter ref DEL.MUDFA.6580 dated 15th January 2008 and its content, whereby SDS provide additional design materials outside the design programme without additional costs being incurred.

The above referenced **tie** letter makes it clear that **"no additional costs be incurred in either the investigation of existing utility assets or design of diversions"**.

If no further investigation of existing utility assets is to be carried out, SDS would kindly request clear recognition that **tie** will accept full responsibility for any movement or additions to services by the SUCs (or others) in the geographical sections 3A, 3B, & 3C, since the original SDS IFAs were issued in December 2006. SDS would seek clarification through **tie** that each SUC will provide all relevant C4 Information of utilities moved or amended between 20th December 2006 and the present date.

It is an assumption of SDS that **tie** have sterilised the tramway alignment by the formal issue of Section 42 Notices (Section 59 NRSWA).

SDS respectfully request confirmation that **tie** have issued Section 42 Notices. If so, may we request copies (previously requested) such that we may use these as information material during our future additional design discussions with the relevant SUCs.

As we are to **"ensure no additional costs should be incurred in either the investigation of existing utility assets"**, may we ask **tie** to procure this information from each SUC prior to any additional re-design commencement by SDS. As we have previously carried out our desktop studies and provided IFA submissions for geographical sections 3A, 3B & 3C, may we formally request the relevant Change Instruction from **tie** which needs to be accompanied with the following clarifications:

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Engineering Excellence*

**In association with Halcrow
Corderoy, Ian White Associates
Quill Power Communications, SDG**

*Parsons Brinckerhoff Ltd
Registered in England and Wales
No. 2554514. Registered Office:
Amber Court, William Armstrong Drive
Newcastle upon Tyne NE4 7YQ*

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1. Confirmation that **tie** have negotiated with each SUC (or others) and have agreed costs for the SUCs (or others) to engage with SDS to provide the “review and technical approval service” required for SDS to complete the design and seek SUC Technical Approval. SDS respectfully remind **tie** that SDS were informed that **tie** had not negotiated costs with the SUCs for “review and technical approval” in the geographical sections 3A, 3B & 3C previously. This omission caused a “stalemate situation” in the early months of 2007 and has “frustrated our design completion”.
2. Confirmation from **tie** that there is recognition by **tie** that additional work will be required to revisit, check and validate current information (post Section 42 Notice confirmation) on all utilities. Upon such confirmation and Instruction to Proceed, SDS will advise the Change Estimate for additional engineering and CAD time (once the scale of the exercise is understood).
3. Confirmation that there is recognition of additional work for SDS to re-commence the design and re-send drawings and enter dialogue with the SUCs.

Upon the above clarifications, SDS will advise under Change Estimate the relevant additional costs associated with the Instruction to Proceed.

The additional work and re-arrangement of design to suit the MUDFA Utilities Installation Programme (currently V6) will constitute not only additional design time but also prolongation. Please find enclosed a draft from the SDS Utilities Design Programme showing the initial SUC Approval drawings issued and the period of delay on these sections of work to date.

In accordance with Clause 7.5 of the Agreement between **tie** and SDS, we hereby give **tie** notice we now consider by virtue that SDS have been instructed by **tie** to follow the MUDFA Installation Schedule (and re-arrange the design deliverable to suit said Schedule), along with the fact that the SUCs had no manpower in place or brief to receive (in December 2006) the initial 3A, 3B and 3C IFA designs, this caused SDS “frustration to our design” and therefore SDS is entitled to and hereby requests an extension of time of 261 Business Days for completion of the utility design work for Section 3A, 3B & 3C.

We look forward to receiving your formal agreement to the Change Instruction for additional work and extension of time and consequential amendments to the Programme and Project Master Programme.

Yours sincerely



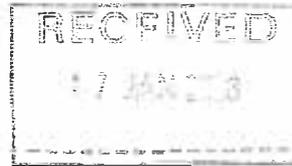
Alan Dolan
Parsons Brinckerhoff

Encl.

- cc. Damian Sharp, **tie**
Steven Bell, **tie**
Steve Reynolds
Jason Chandler
SDM's
David Simmoms, Halcrow
Chris Reid, Halcrow

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Mr Alan Dolan
 Edinburgh Tram Project
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 City Point
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 EH12 5HD

EDINBURGH TRAM PROJECT DESIGN OFFICE	
REFERENCE NO.	
DISCIPLINE <i>Utilities</i>	
ACTION <i>Halcrow</i> <i>C. Reid</i>	COPY <i>JS</i> <i>LTH</i> <i>T.K</i> <i>A.D.</i>

Our Ref: DEL.MUDFA.6580.JJ.GB
 Date: 15 January 2007

Chris - pl give written response so I can send letter.

Dear Alan,

**EDINBURGH TRAM PROJECT - MUDFA
 Utilities Design Sub-Section 3a/3b/3c**

We refer to your recent request for clarification on the status of the design of diversionary works within Section 3, Russell Road to Granton Square. We can confirm that tie expect SDS to continue to progress the design through to IFC standard.

However, SDS should ensure no resources are diverted from any ongoing section under design, such that a delay would occur to the issue of the IFC information. SDS should also be aware that no additional costs should be incurred in either the investigation of existing utility assets or design of diversions.

Please confirm, by return, your programme for the aforementioned design works and named design resources proposed for this section.

Yours sincerely

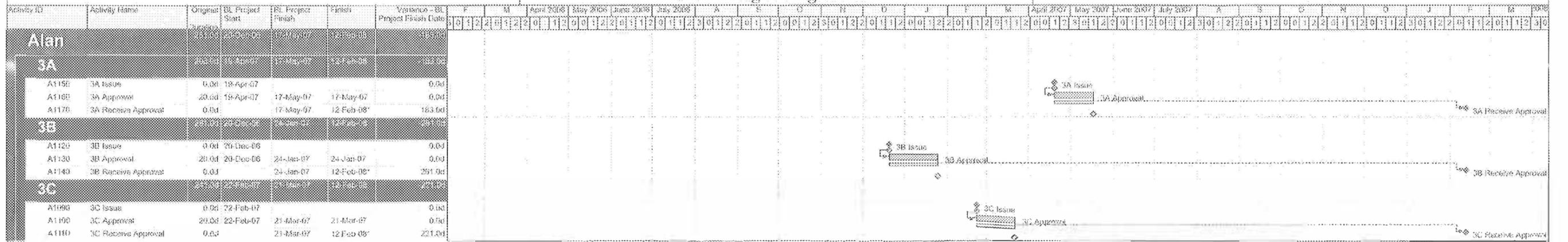


**Graeme Barclay
 Construction Director - MUDFA**

- cc Steven Bell
- John Casserly
- Ian Clark
- Michael Blake
- Allan Hill
- Phil Douglas

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Edinburgh Tram Project



Actual Work
 Critical Remaining Work
 Primary Baseline
 Remaining Work
 Milestone
 Baseline Milestone