



tie LIMITED
EDINBURGH TRAM NETWORK

I

DRAFT DEAL for INFRACO

2nd October 2007

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1. INTRODUCTION

As part of the Infraco bidding process both the bidders will be issued a Draft Deal. This will summarise the final Bidder's Offer. Within these sections there are be areas that will require further development and negotiation to enable a contract to be awarded that satisfies **tie's** technical and commercial requirements. The details of the items that require finalisation are defined in the Draft Deal. This Draft Deal consists of the following sections:-

1. Preferred Bidder Agreement
2. Contract Terms
3. Employer's Requirements
4. Infraco Proposals
5. Price
6. Plan for finalising the Draft Deal after Preferred Bidder nomination

1. Preferred Bidder agreement

The Preferred Bidder Agreement sets out the agreed way in which the parties will engage to close out all remaining issues such that a contract can be awarded.

2. Contract Terms

Contract terms have been negotiated prior to Preferred Bidder selection. This section of the Draft Deal sets out the terms negotiated, the assumptions that this negotiated position is based on. Details of the selected Tramco contract terms and the Bidder's response to these terms is also contained in this section together with details of the SDS Contract and Bidders response to these. Also detailed are the remaining issues to be finalised during the Preferred Bidder Period.

3. Employer's Requirements

These are the Employer's Requirements on which the Infraco's Proposals and Prices are based.

4. Infraco Proposals

These represent the draft of the Infraco Proposals referred to in the contract terms and contain the programme, capital works and maintenance, draft method statements, details of all design information provided, mobilisation and advance works agreements, project management proposals and details of the compliance of Bidder's proposals with the Employer's Requirements. Infraco's response to the Tramco technical and programme information provided is also contained in this section. Also included in this section are details of the remaining issues to be finalised during the Preferred Bidder Period.

5. Price

This section sets out the Bidder's price proposals, both firm and provisional and the scope and assumptions that price is based on, the draft Milestone

Payment Schedule (used in the final evaluation). It also details the agreed basis for adjustment of price during the Preferred Bidder Period.

6. Plan for finalising after Preferred Bidder nomination

This includes details of the activities and programme for finalising all remaining issues such that a contract can be awarded.

2. PREFERRED BIDDER AGREEMENT

The detailed bidder agreement is attached in Appendix 1

(See separate File)