

Our ref: RJW/AK

8 May 2006

tie Limited
Verity House
19 Haymarket Yards
Edinburgh
EH12 5BH

**Bilfinger Berger –Siemens
Consortium**

Lochside House
3 Lochside Way
Edinburgh Park
Mid Lothian
EH12 9DT
United Kingdom

Phone: 

For the attention of Mr Matthew Crosse

Edinburgh Tram Network

Dear Sir,

Bilfinger Berger Siemens Consortium (BBS) are pleased to respond to the second stage of this Invitation to Negotiate, following our stage 1 submission on January 12th 2007. We have taken due cognisance of **tie** Limited's requirements detailed in the ITN and the supplemental Instructions to Tenderers issued on 9th January 2007 and subsequent negotiations and agreements.

Our Consolidated Proposals are consistent with the above and we believe, clearly demonstrate why the BBS team's solution is the best option. The response, which consists of six folders, has been produced in a simple format to follow the ITN. An index is attached to outline the contents of each folder.

The bid is fully supported by the by the commitment and reputation of Bilfinger Berger AG, one of the worlds leading construction services companies and of Siemens plc, a leading worldwide provider of Transportation systems and solutions. Our proven capabilities of successfully delivering light rail systems across the world make our two companies ideal consortium partners to join together to successfully deliver the prestigious Edinburgh Tram Network.

BBS has worked in close harmony with its supply chain partners throughout the bid process to develop our solution as one integrated team. The organisational structure of the Project Management is fully integrated and key partners of our organisation are filled with incentivised members of our supply chain. Our team believe that this will support collaborative working and continuous improvement by improving communication and aligning objectives. We also believe that some key positions could be filled by seconded members of the **tie** Limited team, thereby further assisting the integration and utilising the embedded knowledge of these experienced personnel.

We firmly believe that our solution can be rapidly developed through the period of dialogue and negotiation which is detailed in your letter of 4th May 2007, and we hereby acknowledge **tie** Limited are currently reviewing this programme. We are extremely keen to help keep this period as short as possible and make the selection to preferred bidder earlier. We would welcome the opportunity to discuss and develop a way forward to the benefit of both parties with the overall objective of providing Best Value to the Employer

Yours Faithfully


Richard Walker
Bilfinger Berger


Stephen Wright
Siemens

PART 3

ANTI-COLLUSION CERTIFICATE

We acknowledge that the essence of this procurement process is that **tie** shall receive bona fide competitive Tenders from all Tenderers tendering. In accordance with this principle, we certify that this is a bona fide Tender, intended to be competitive, and that we have not fixed or adjusted the amount of the Tender by or in accordance with any agreement or arrangement with any other person besides those named in our Tender submission. We also certify that we have not and we undertake that we will not at any time before the date for Tender submission:

- communicate to any person other than the person calling for those Tenders the amount or approximate amount or content of the proposed Tender, except where the disclosure, in confidence, of the approximate amount or content of the Tender is necessary to obtain insurance premium quotations required for the preparation of the Tender;
- enter into any agreement or arrangement with any other person that he shall refrain from tendering or as to the amount or content of any Tender to be submitted; and
- make any promise or offer or agree to pay any sum of money or other consideration (including forbearance) directly or indirectly to any persons for doing or having done or causing or having caused to be done in relation to any other Tender or proposed Tender any act, restraint or thing of the sort described above.

In this certificate the word "person" includes any persons or any body or association, corporate or non-corporate; and "any agreement or arrangement" includes any such transaction whether formal, informal, oral or in writing, and whether legally binding or not.

We agree that it shall be at the sole discretion of **tie** to decide (a) that collusive tendering practices have taken place following due inquiry at any stage in the process, including post contract award; and (b) the action to remedy the infraction by the Tenderer.

Tenderer's Authorised Representative

Name *RICHARD JOHN WALKER* *STEPHEN WRIGHT*
Signed [Redacted] [Redacted]
For and on behalf of *Elizabeth Bergen Siemens Consortium* *SIEMENS TRANSPORTATION SYSTEMS*
Date *08 MAY 2007* *8th May 07.*