
From: Fitchie, Andrew [Andrew.Fitchie@dlapiper.com]
Sent: 01 November 2006 23:25
To: Scott Prentice
Subject: Re: GBR meeting

Scott

As promised here are thoughts- on blackberry, so please excuse lack of style.

Comment on the questions/issues paper

Bullet one - I think more and more this is an issue which cannot be decided without the input of NR.

Bullet two- D and B for main works. Could be DBFM or variant for station. I am not convinced by partnering contracts.

Bullet 3 - payment mechanics/incentivisation/programme control and performance security all require discussion and review of options. No reason why contract cannot include schedule of rates and BQ alongside elements aligned to lump sum. Worth speaking to DLAPiper colleagues who have insight on industry expectations for ODA projects.

Bullet four - I subscribe to Malcolm and Andy views on the merits of advance acquisition of the TBM.

Bullet five - not sure if this referring to the ERIC contractor, if so ECI would need to have been kicked off in early part of this year if a 2011 commissioning date is targeted. ECI for TBM acquisition- see Malcolm,s earlier paper.

Bullet Six and Seven- we have produced a contracts choice paper for tie some time ago. I remain of the view that FIDIC silver with bespoke drafting is a good model. Fitting up of the contract to include GBR not complicated.

Bullet Eight-
Payment mechanic will need to be dovetailed meticulously with the GBR thresholds.

Bullet Nine- Engineer

Bullet Ten - DRB for tunnel, engineer and DRP for other main works.

Bullet eleven - BAA requirements not known in detail.

Bullet twelve - tie will have views and the advice of SW, Halcrow and AD.


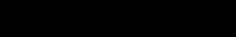
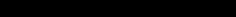
Bullet thirteen- risk registers will be contractualised by the drafting and specific risk allocations und er the ERIC contract. The risk allocations will be confirmed by the ITN and then negotiated with the bidders.

Bullet fourteen- owner's risk will lie with Transport Scotland and there will need to be clear buy in at all times during closing the tender process.

Hierarchy of documents requires a simple statement. Not sure I agree an the standing accorded to some of the docs. in the longer paper.

Bullet fifeteen- drafting the contract -would like think that one good reason why tie hired us. We would as always see continual interface between tie, the technical advisors and the financial advisers, specs are the province of Andy and Malcolm's teams but I would expect DLAPiper to assist in contractualisation.

Bullet sixteen - one for transport Scotland and views on precedents. My Americam partners will be able provide furthe insight into the US use and experieneec of GBR.

Kind regards
Andrew Fitchie
Partner
DLA Piper Scotland LLP
T: 
M: 
F: 

-----Original Message-----

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To: Steven Bell <Steven.Bell@tie.ltd.uk>; Kevin Murray <Kevin.Murray@tie.ltd.uk>; Pat Diamond <Pat.Diamond@tie.ltd.uk>; Mark Bourke <Mark.Bourke@tie.ltd.uk>; Fitchie, Andrew; Barry Cross <Barry.Cross@tie.ltd.uk>; Shirley Mushet <Shirley.Mushet@tie.ltd.uk>; Andrew Sloan <a.sloan@donaldsonassociates.com>; Malcolm Peart <Malcolm.Peart@scottwilson.com>; Andrew McCracken <Andrew.McCracken@scottwilson.com>

CC: Herring, Andrew

Sent: Wed Nov 01 14:48:30 2006

Subject: GBR meeting

Please find attached the agenda for tomorrows meeting.

Scott Prentice

Project Manager - EARL


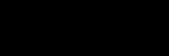
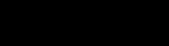
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