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Sent: 07 September 2006 08:51
To: Trudi Craggs
Cc: Geoff Gilbert; Andie Harper; Matthew.Spence@transportscotland.gsi.gov.uk; John.Ramsay@transportscotland.gsi.gov.uk; Lorna.Davis@transportscotland.gsi.gov.uk; Bob Dawson; Ian.Mylroi@transportscotland.gsi.gov.uk
Subject: Transport Scotland approvals

Trudi

Before last Thursday's fun night out we had a brief discussion about how to make the Tramco and by analogy Infraco procurements run smoothly with suitable and helpful Transport Scotland approvals.

I thought it might be helpful to set out some further thoughts which we might turn into a paper for us jointly to take through the Tram Project Board. Alternatively it might form part of a paper from you/Andie which I support – I am not particularly worried either way.

General principles

1. Except for matters reserved to collective Transport Scotland/Scottish Executive decision making (see below) TS approval would normally be given by our representative at the Tram Project Board (Bill Reeve, Director of Rail Delivery).
2. Papers going to the TPB would have been through a process of prior consultation and my agreement/comments/recommendation would form part of the papers for the Board.
3. Clarity is required by TS as to who the awarding authority is under EU law. My understanding is that it is tie acting as agent of City of Edinburgh Council – please can we confirm if this is correct.

Involvement in procurement

1. TS's preferred position is to agree and approve the framework, selection criteria and process but not participate directly in tender evaluation. Through its membership of the Tram Project Board and Design & Procurement Development workstream, TS would test the decisionmaking process and seek assurances on how issues had been considered.
2. To adopt this role of constructive challenge and protection of Scottish Ministers' interest in the scheme TS would need certain conditions to be met. We believe these are all conditions that tie would wish to pursue for its own interests.
3. The first condition is up front agreement of selection criteria. We have marking schemes for both Tramco and Infraco and are working to get comments back to you. Can you confirm the timescales for these please.
4. TS would also require comfort that those undertaking the selection are qualified to do so. To that end can I please have the proposed composition of the evaluation team together with brief CVs that demonstrate their relevant experience.
5. We require particular clarity about Transdev's role in the selection process to gain comfort that the operation and maintenance issues are properly taken into account.

6. We require confirmation that all the shortlisted candidates are competent and so we can be confident you will be choosing between good options. Can you let us have a copy of the short list report for Tramco please and we will expect to scrutinise the final report on Infraco also.

7. We need visibility of how the process will work throughout the competition – for Tramco we need to see things mapped out before bids are returned and for Infraco before the ITN goes out.

Interaction with Gateway Review

1. I have spoken to Geoff Gilbert about the interaction with the Gateway Review and Geoff has been working up a proposal in which the Gateway Review takes places 20-22 September followed by the Tram Project Board on 25 September which clears most aspects of the scheme as ready for Infraco ITN issue.

2. However, that Board meeting would be too soon for the Gateway Review results to have been digested and presented to the Board. It is also too soon to expect to have completed the necessary Gateway Review action plan. There would therefore need to be a further, hopefully brief, Tram Project Board meeting early in the week beginning 2 October where the sole business would be final approval of ITN issue.

3. In essence this is not dissimilar to the approach being taken for business case approval with CEC.

I hope this is helpful and would be happy to discuss.

Damian

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