

Edinburgh Tram Project Update

Audit Committee

26 January 2012

1 Purpose of report

1.1 The purpose of this report is to update the Audit Committee on progress on the Edinburgh Tram Project following Council approval on 2 September 2011 to progress the scheme to York Place. The report covers the period from 2 September 2011 to 31 December 2011.

2 Background

- 2.1 On 2 September 2011, the Council approved officers' recommendations to progress the Edinburgh Tram Project to York Place.
- 2.2 Revised governance arrangements for the project were implemented as part of this decision. The revised governance arrangements included a requirement that general performance of the project be reported to the Audit Committee.

3 Main report

3.1 Contractual framework

The Settlement Agreement for the project was signed on 15 September 2011. The main features of the contractual arrangements were set out in a confidential appendix to the 30 June 2011 Council report and included:

- a lump sum price for the off street section between the airport and Haymarket subject to certain exceptions; and
- a measurement contract basis for the on street section which included the Council carrying certain risks, including those risks associated with utility diversions.

3.2 New governance arrangements

- 3.2.1 The revised governance arrangements as reported to the Council on 25 August 2011 are now in place.
- 3.2.2 Revised arrangements are set out in Appendix 1 of this report.

- 3.2.3 The key features of the revised arrangements include:
 - a quarterly principals' meeting;
 - a monthly Joint Project Forum;
 - a fortnightly Project Delivery Group;
 - twice weekly tram briefing meetings;
 - weekly themed operational groups;
 - political oversight by means of a monthly All Party Oversight Group and a quarterly Audit Committee; and
 - representation by Transport Scotland at all levels of the project.
- 3.2.4 Attendees to these meetings are set out in detail at Appendix 1.
- 3.2.5 This is the first meeting of the Audit Committee since the new governance arrangements were implemented. All the other meetings are now well established.
- 3.2.6 The Joint Project Forum, chaired by the Chief Executive, which includes attendance of the principals from the Infraco consortium and CAF, has met on five occasions since the signing of the Settlement Agreement. The tone and content of the meetings have been very productive with no areas of discussion remaining unresolved. These meetings have further consolidated the relationships that have been developing over the months since mediation and to date the parties have been acting in the spirit of partnership working.
- 3.2.7 The All Party Oversight Group has met on two occasions. The meetings have taken the form of a presentation by officers covering programme, progress and finance related matters and followed by questions from elected members.
- 3.2.8 The revised arrangements also include the role of an independent certifier.
- 3.2.9 Since the signing of the Settlement Agreement, the independent certifier has ruled on four matters in relation to commercial valuations and two matters of contractual interpretation. There have been no challenges to any of these rulings which would otherwise have required escalation to the Joint Project Forum.
- 3.3 Transition from tie Ltd
- 3.3.1 Following the decision of the Council to appoint Turner and Townsend as project managers, the process of winding down tie Ltd is underway.
- 3.3.2 As at the date of signing the settlement agreement the remaining staff employed by tie Ltd numbered 29 at a total cost of £1.9m. At that point, there had already been an initial phase of voluntary redundancies which reduced the staffing compliment of tie Ltd from circa 60 staff to 29.

- 3.3.3 Since then 18 staff have accepted voluntary redundancy. The total cost of both phases of voluntary redundancy was £2.3m.
- 3.3.4 Seven remaining tie Ltd employees have transferred to Turner and Townsend and four to the Council.
- 3.3.5 The tie Ltd office at Citypoint is now vacant with arrangements currently being made to terminate the lease for the building with effect from 9 March 2012.
- 3.3.6 Arrangements have been made either to terminate tie Ltd's contractual arrangements or transfer the remaining arrangements to the Council. The Infraco contract was assigned to the Council on 12 December 2011.

3.4 Programme

- 3.4.1 Since signing the Settlement Agreement, significant progress has been made on the construction site.
- 3.4.2 A significant milestone for the project occurred on 16 December 2011, when the depot building was transferred to the ownership of the Council. In addition, on the 9 December 2011, testing of five tram vehicles commenced on the two mini test tracks at the depot.
- 3.4.3 A master programme assessment has been conducted by Turner and Townsend. The key milestones are set out in Appendix 2 of this report.
- 3.4.4 The impact of adverse weather and utility diversions has been closely managed and this will remain the case for the rest of the project.
- 3.4.5 Parties are continuing to work together to review and revise the programme for the effective management of the project, with a value engineering culture having been embedded within the project. Risks are being identified at the earliest possible opportunity and managed to ensure the minimal effect on the overall project completion date.

3.5 Budget

- 3.5.1 The budget approved by Council for the project was set at £776m. The budget allowance included a base budget of £742m and a risk allowance of £34m.
- 3.5.2 The project remains on budget. Expenditure to date is £521m and there has been approximately £1m drawn down against risk, leaving a balance of £33m in the risk allowance.
- 3.5.3 A full breakdown of the amount drawn down against risk is set out in Appendix 3. This is primarily attributed to finalisation of the valuation of design items on the off street section that arose in the period from mediation to signing of the settlement agreement. It was not possible to complete the valuation of these items for inclusion in the settlement agreement, prior to signing on 15 September 2011. Adequate provision was therefore made in the risk allowance for these items, which has now been drawn down.

3.6 Preparation for operations

- 3.6.1 Lothian Buses is now fully engaged within the project governance structure. The Managing Director of Lothian Buses is an attendee at the Joint Project Forum and also attends, with the Operations Director of Lothian Buses, the relevant project control meetings.
- 3.6.2 Lothian Buses has seconded 5 staff for training, testing and commissioning and has indicated that it now has in place the structure and resource to prepare for operations.

3.7 Moray Feu complaint to the Aarhus Convention Compliance Committee

3.7.1 An individual resident of the Moray Feu in 2010 lodged a complaint against the UK (which is the signatory state) alleging breach of the Aarhus Convention. The Convention seeks to ensure that ordinary people have "access to justice" especially in relation to environmental issues.

The Aarhus Convention Compliance Committee (ACCC) is a United Nations committee with jurisdiction to review compliance with the Aarhus Convention. The sanctions that can be imposed by the ACCC are limited even if the complaint is upheld. The ACCC has no power to impose a fine or set aside any decisions, although it can issue a report which formally censures the UK for failure to comply.

- 3.7.2 The ACCC considered written submissions from the Moray Feu and from DEFRA (representing the UK) and called the hearing to seek clarification on a number of issues. The conclusion of the full-day hearing was that the Committee still had a number of questions on which it required clarification. We understand that DEFRA is still waiting to receive these written questions.
- 3.7.3 The ACCC has not advised when it will publish their findings

3.8 Open for business

- 3.8.1 A budget allowance of £355,000 was agreed by Council at the meeting of 2 September 2011, in addition to the £90,000 already committed to fund 3 Town Centre Coordinators to the end of 2012/13.
- 3.8.2 The Tram Animation Group has met to consider how best this funding should be allocated in order to maximise support for SMEs and encourage footfall into the city centre.
- 3.8.3 A set of priorities have been identified by the Tram Animation Group to ensure that these objections are fulfilled. Consultation is due to continue and details of the funding allocation for 2012/13 will be available in the next report to the Audit Committee.

4 Financial implications

- 4.1 The budget approved by Council for the project was set at £776m. The budget allowance included a base budget of £742m and a risk allowance of £34m.
- 4.2 The project remains on budget. Expenditure to date is £521m and there has been approximately £1m drawn down against risk, leaving a balance of £33m in the risk allowance.

5 Environmental impact

5.1 Reference is made to the Council reports of 16 May, 30 June, 25 August and 2 September 2011.

6 Conclusions

6.1 Satisfactory progress has been made on the project since signing the Settlement Agreement. The new governance arrangements have been working well, building on the relationship developed between the Council and the contractors since mediation and the project will continue to be closely managed until completion.

7 Recommendations

To note the report.

Sue Bruce Chief Executive

Appendices

- 1 Revised governance structure
- 2 Key milestones
- 3 Amounts drawn down against risk

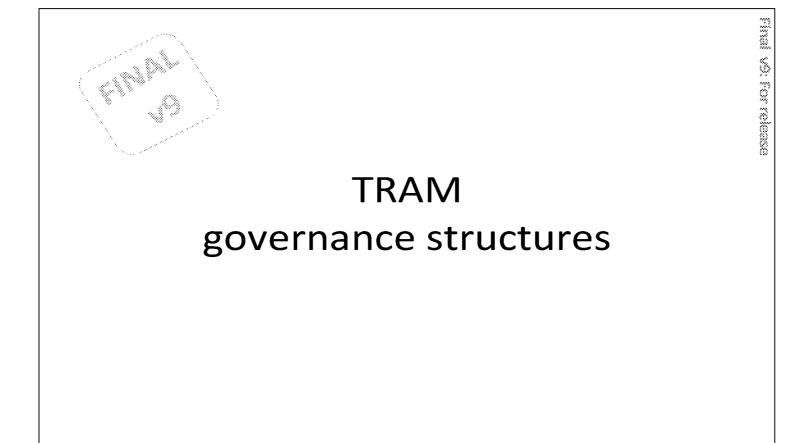
Contact/tel/Email

Wards affected

Single Outcome Agreement

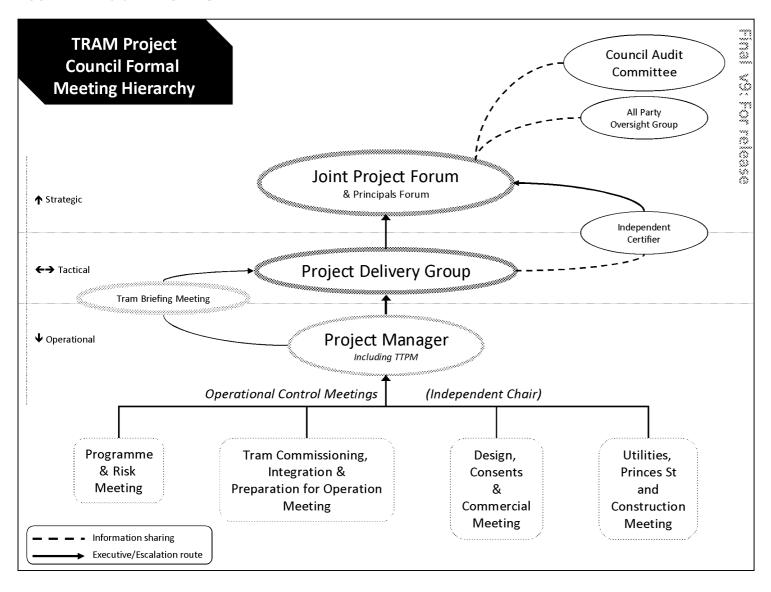
Background Papers

Appendix 1 (a) – Project governance structure

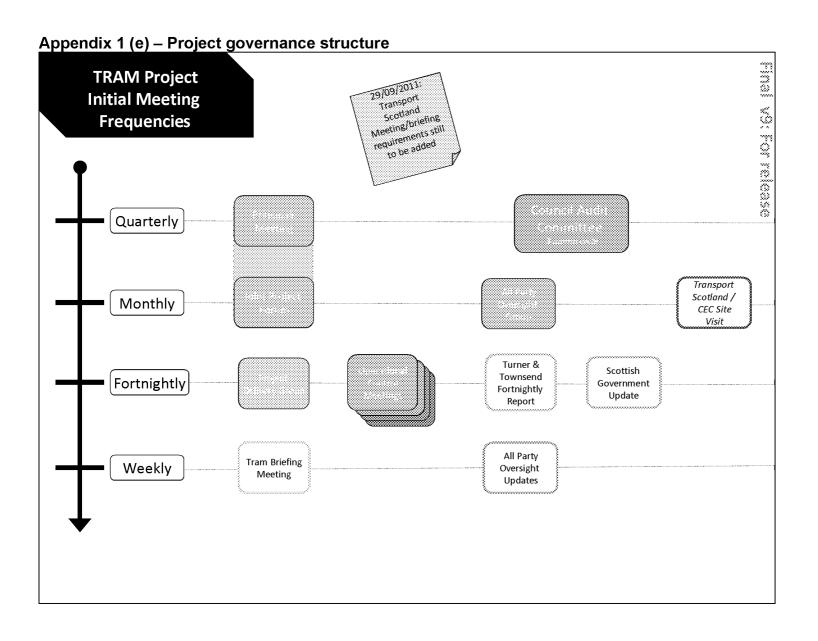


Appendix 1 (b) - Project governance structure 7. 30. 50. FO **Governance Structure** as agreed at Council 25 August 2011 and 2 September 2011 Council Audit Project Owner CEC Committee Joint Project Forum Lothian Buses All Party & Principals Forum Oversight Group Chair: Sue Bruce Independent Certifier Project Delivery Group
Chair: Vic Emery Senior Responsible Tranport Officer (SRO) CEC Scotland Oversight **CEC Tram Briefing** (TS) Meeting TRAM Project Manager Utilities, Princes St & Programme Tram Commissioning, Design, Consents & Risk Meeting & Commercial Meeting Integration & PfO Meeting **Construction Meeting** Bilfinger Berger Civil (UK), TTPM CAF Siemens plc Day to day Project operational management led by TTPM

Appendix 1 (c) – Project governance structure



Appendix 1 (d) – Project governance structure Governance meeting diary



Final v9: For release

Governance meeting terms of reference

Appendix 1 (g) – Project governance structure

IKAIA Project Meeting Descriptor

Meeting title: Joint Project Forum & Principals Forum

Chairmanship:

Vice Chairmanship:

Location for meeting:

Day held

Frequency

Duration

Meeting Purpose

Decisions expected

Escalation

Reporting Route

Agenda Issued

Council Chief Executive

Vic Emery

Waverley Court

Wednesday (18/10/2011)

Monthly/Quarterly

1 hour 30 minutes

To provide clear strategic leadership and direction to

the project

Confirmation of project

progress

• Resolution of escalated

issues

N/A

1. Council Audit Committee

2. Scottish Ministers

Three days in advance

Standard Attendee List

t Principals Invited Quarterly

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To loase

Sue Bruce

Vic Emery

Dr Schneppendahl

Dr Keysberg

Alastair Maclean

Antonio Campos

Dave Anderson

Colin Smith

Martin Foerder

Alfred Brandenburger

Richard Garner

Ainslie McLaughlin

Chris Walton

Lucy Adamson

Alan Coyle

- 1. Consolidated Project Update Highlight Report
- 2. Escalated Issues
- 3. Key Milestones due in next quarter
- Communications

Appendix 1 (h) - Project governance structure

TERAIM Project Mesting Descriptor

Meeting title: Project Delivery Group

Chairmanship: Vice Chair:

Vice Chair Joint Project Forum Senior Responsible Officer

Location for meeting:

Lochside

Day held

tbc

Frequency **Duration**

Fortnightly

2 hours

Meeting Purpose

To manage the operational delivery of the project and report on progress against programme and

budget.

Decisions expected

- Confirmation of project programme progress
- Confirmation of project budget progress
- · Identification of issues for Escalation.

Escalation

Joint Project Forum

Reporting Route

1. Joint Project Forum

Standard Attendee List

Vic Emery

Alan Coyle

M M

103 : EA

70.00

Dave Anderson

Kelly Murphy

Colin Smith

Lucy Adamson

Bob McCafferty

Andy Conway

BBS reps [tbc]

Richard Garner

Graham Porteous (TS)

Ian Craig/Bill Campbell

Julian Weatherley (T&T)

Nick Smith

- Project Update Highlight Reports
 - a. Programme
 - b. Budget
- Issues for Escalation
- Communications

Appendix 1 (i) – Project governance structure

IRAM Rroject MeetingDescriptor

Meeting title: Programme & Risk Meeting

Chairmanship: Vice Chair:

Location for meeting:

Day held

Frequency

Duration

Meeting Purpose

Decisions expected

Escalation

Reporting Route

Independent Certifier Alan Coyle

Lochside

Tuesdays (4/10/2011)

Fortnightly

1 hour

To ensure compliance with the contract programme and to mitigate and manage risk.

- Confirmation of compliance
- Escalation of non compliance
- Management actions to control risk
- Escalation of risks that are manifesting themselves.

Project Delivery Group

- CEC Internal Weekly Review Meeting
- 2. Project Delivery Group

Standard Attendee List Distribution Colin Smith Kevin Russell James Cowie Neil Hibbert Martin Foerder **Bob McCafferty** Jim Donaldson Dave Anderson Martin Hutchinson Marshall Poulton Steve Sharp Alan Coyle David Steele **Graham Robertson** Alfred Brandenburger John McLaughlin Julian Weatherley TS Rep TBC Alan Coyle **Bob McCafferty**

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- 1. Items Programme Review
- Risk Register Review
- 3. New Risks

Appendix 1 (j) – Project governance structure

TRAIM Brojeer Meesing Descriptor

Meeting title: Tram Commissioning, Integration & **Preparation for Operation Meeting**

Chairmanship: Vice Chair:

Location for meeting:

Day held Frequency

Duration

Meeting Purpose

Decisions expected

Escalation

Reporting Route

Independent Certifier Alan Coyle

Lochside

Wednesday (5/10/2011)

Fortnightly

1 hour

To ensure efficient delivery, commissioning and integration of the total tram

system to an operational

state.

· Acceptance of handover criteria.

- Compliance with ROGs
- · Compliance with commissioning Programme
- · Health and Safety compliance of system

Project Delivery Group

- CEC Internal Weekly **Review Meeting**
- Project Delivery Group

Standard Attendee List Colin Smith Steve Westwood Distribution

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Dave Anderson

Martin Foerder Michael Wilken Marshall Poulton

Stefan Rotthaus Martyn Ayres Kevin Russell Jim Donaldson Bill Campbell/Ian Craig **Eddie Inglis**

David Steele Transport Scotland Rep TBC Patrick Scully

Alastair Richards

Alfred Brandenburger

Julian Weatherley

Pall Palsson

Standard Agenda Items

- Acceptance Criteria
- **Commission Progress** 2.
- 3. System Testing
- Programme

Health and Safety

Appendix 1 (k) - Project governance structure

Maadhy Dascriptor

Meeting title: Design, Consents & Commercial Meeting

Chairmanship: Vice Chair: Independent Certifier

Alan Coyle or senior representative of Hg Consulting for Valuation and Certifiers Review meetings

Location for meeting:

Lochside

Day held Wednesday (5/10/2011)

Frequency Fortnightly

Duration 1 hour

Meeting Purpose

To ensure capture any potential requirement for design change; To develop the scope of any change orders that arise; To monitor the progress of any change orders issued; To agree the originator of the change and the value/cost of the change; To review resource allocation and records reconciliation; To confirm Valuation and Certifiers Review (Every other Meeting)

Decisions expected

All draft and agreed change orders and their cost consequences are recorded and reported to the client and the contractor.

Escalation

Project Delivery Group

Reporting Route

- 1. CEC Internal Weekly Review Meeting
- 2. Project Delivery Group

Ĭ, release **Standard Attendee List** Distribution Colin Smith Alan Coyle Jason Chandler Simon Nesbitt Julian Weatherley Dave Anderson Martin Foerder Gary Easton Marshall Poulton David Gough Kevin Russell David Steele Patrick Scully Alfred Brandenburger Axel Eickhorn Bob McCafferty Andy Conway Alan Bowen Michael Wilken Shabu Dedhar

- 1. Review of design consents Report
- 2. Commercial Consequences of Change and liability identification
- 3. Monthly Valuation and Certifiers Review

Appendix 1 (I) – Project governance structure

Isany Project Mesona Descriptor

Meeting title: Utilities, Princes St and Construction Meeting

Chairmanship: Independent Certifier

Vice Chair:

Alan Coyle

Location:

Lochside

Day held

Tuesday (4/10/2011)

Frequency

Fortnightly

Duration

1 hour

Meeting Purpose

To ensure coordination of approach between the contractor, utilities contractors and design solutions; To ensure that there is efficient working on Princes Street while interfacing with city requirements; To ensure that communication with stakeholders is maintained; To clear construction blockers and to ensure the quality systems, health and safety and NCR reporting is compliant with employer's requirements.

Decisions expected Confirmation of coordination of utilities works; Escalation of non-conformity of utilities works; Confirmation of efficient management of construction work; Confirmation of any specific communication issues for stakeholders.; Confirmation that construction activity is meeting employer's requirements.

Escalation

Project Delivery Group

Reporting Route

- **CEC Internal Weekly Review** Meeting
- Project Delivery Group

Standard Attendee List

Distribution

Colin Smith Jim Donaldson

Martin Foerder

David Gough

Jim Cowie

Andrew Renwick

Peter Widdowson

Stefan Rotthaus

Andy Conway Bob McCafferty

David Steele

Alfred Brandenburger

Klaus Dieker

Julian Weatherley Steven Lewcock

Kevin Russell

Dave Anderson

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Steve Westwood

Graham Robertson

Steve Westwood

Klaus Dieker

Kelly Murphy

Marshall Poulton

Dennis Murray

- Identification of utilities clashes
- 2. Solution coordination
- 3. Traffic management
- Stakeholder requirements 4.
- 5. Resolution of Construction Blockers
- 6. Review of NCR Register

Appendix 1 (m) - Project governance structure

IMeeding Descriptor

Meeting title: Tram Briefing Meeting

 $Chairm\,anship:$

Vice Chair:

Location for meeting: Waverley Court

Day held

waveney court

Vic Emery

Tuesdays and Thursdays (06/10/2011)

Council Chief Executive

Frequency

Weekly

Duration Meeting Purpose 1 hour To provide clear operational oversight as client, to provide challenge to issues and change requests and to be the client sign off point for change requests.

Decisions expected

- Identification of issues for escalation.
- Confirmation of potential changes to be actioned through formal change process
- Client agreement of Change request applications

Escalation

Reporting Route

Project Delivery
 Group

N/A

Standard Attendee List

tendee List Alternate Meeting Attendee List

Sue Bruce

Vic Emery

To also include: Ainslie McLaughlin M M

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Alastair Maclean

Graham Porteous

Dave Anderson

Julian Weatherley

Colin Smith

Gary Easton

Alan Coyle

Others as required

Bob McCafferty

Kelly Murphy

Secretarial support

Standard Agenda Items

- 1. Governance
- Project Management
- 3. Operational Issues
- . Communications

Alternate Week Agenda Items

- 1. Turner & Townsend Report Client only
- 1. Client Instructions
- 2. Finance
- 3. Consents and Approvals
- Communications
- 5. Political Feedback & Updates

Appendix 1 (n) – Project governance structure Other meeting descriptors

Appendix 1 (o) - Project governance structure

ESAM Project Meeting Descriptor

Meeting title: All Party Oversight Group

Chairmanship: Council Leader Vice Chair: Senior Responsible Officer Location for meeting: City Chambers (room TBC) Monday 03/10/2011 Day held Frequency Monthly 1 hour Duration To provide updates on Tram **Meeting Purpose** project progress, current issues and the Open for Business activities **Decisions** expected Confirmation of project progress · Identification of additional information required • Confirmation of Open for **Business** activities Escalation N/A **Additional Briefings** Regular electronic briefing to be issued to elected members between meetings

ू ۾ release **Standard Attendee List** Councillor Dawe (LD) Sue Bruce Councillor Cardownie (SNP) Dave Anderson Councillor Burns (LAB) Alastair Maclean Councillor Balfour (CON) Alan Coyle Kelly Murphy Councillor Burgess (GR) **Bob McCafferty** Councillor Mackenzie (LD) Colin Smith Councillor Hinds (LAB) Councillor Jackson (CON) Councillor Johnstone (GR)

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- 1. Project Update Highlight Report
- 2. Current Issues
- 3. Open for Business Update

Appendix 1 (p) - Project governance structure

IRAM Project Meaning Descriptor

Meeting title: City Centre elected Members Briefing

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Chairmanship:

Director of City Development

Location for meeting:

Tbc

Day held

Tbc

Frequency

Monthly

Duration

30 minutes

Meeting Purpose

To ensure city centre elected Members remain informed of progress on the Tram Project and to allow a formal channel through which key issues can be

raised.

Decisions expected

None

Escalation

Tram Briefing Meeting

Reporting Route

- 1. Project Delivery Group
- 2. Tram Briefing Meeting

Standard Attendee List

Joanna Mowat

Charles Dundas

Alastair Rankin

Kelly Murphy

Dave Anderson

- L. Programme Update
- . Key Milestones due in next month
- 3. Open for Business Programme
- 4. Issues arising

Appendix 2 – Key milestone schedule

	et Programme covers the following key section			
Location	Work	Start Date	Finish Date	Status
York Place	All	Q.3 2012	Q.1 2014	Due to start Q3
	Traffic Management	Q.3 2012	Q.4 2013	Due to start Q3
	Road/Track Works	Q.3 2012	Q.4 2013	Due to start Q3
	Overhead lines and electrification works	Q.3 2013	Q.1 2014	Due to start Q3
St Andrew Square	All	Q.1 2012	Q.1 2014	Commenced on programme
	Road Closure	Q.1 2012	Q.4 2012	Commenced on programme
	Traffic Management	Q.1 2012	Q.4 2012	Commenced on programme
	Road/Track Works	Q.1 2012	Q.1 2014	Commenced on programme
	Overhead lines and electrification works	Q.3 2012	Q.1 2014	N/A
		•	•	
Princes Street	All	Q.4 2011	Q.1 2014	Commenced on programme
	Traffic Management	Q.4 2011	Q.3 2012	Commenced on programme
	Road/Track Works	Q.4 2011	Q.3 2012	Commenced on programme
	Overhead lines and electrification works	Q.4 2011	Q.1 2014	Commenced on programme
		•	•	
Shandwick Place	All	Q.1 2012	Q.1 2014	Commenced on programme
	Road Closure	Q.1 2012	Q.2 2013	Commenced on programme
	Traffic Management	Q.1 2012	Q.4 2013	Commenced on programme
	Road/Track Works	Q.1 2012	Q.4.2013	Commenced on programme
	Overhead lines and electrification works	Q.2 2013	Q.1 2014	N/A
		•		
Haymarket Junction	All	Q.4 2011	Q.1 2014	Commenced on programme
	Traffic Management	Q.4 2011	Q.3.2013	Commenced on programme
	Road/Track Works	Q.4 2011	Q.3 2013	Commenced on programme
	Overhead lines and electrification works	Q.2 2013	Q.1 2014	N/A

Appendix 3 – Amounts drawn down against risk Infraco Contract – Change Register

Location	Description	Agreed Cost for Approved Contract Changes £
Hawthornevale Cycle Link	Change the design to widen the footway alongside the south side of Lindsay Road	£20,020.51
Ocean Drive Footway	Amend the design of Ocean Drive to reinstate the footpath to the north of Ocean Drive	£10,230.82
Depot Access Bridge	ot Access Bridge Amend the design of the OLE at the Depot Access Bridge to enable construction of the Depot	
Blenheim Place	Review of the banned right turn into Blenheim Place as part of the design for Section 1C2 roads	£46,247.09
York Place Terminal Point	Production of a feasibility report, initial feasibility design for option ii), run time modelling etc	£228,652.80
The Mound	Review Design for providing a new cycleway from the Mound to Princes Street	£9,436.93
St Andrew's Square	Provide a clarification report and completion of the St. Andrew's Square Public Realm design	£133,075.48
Eastfield Avenue	Review EAL approval for the highways design drawings at Eastfield Avenue tram crossing	£10,025.09
Cathedral Lane Substation	Review Design of Cathedral Lane Substation	£233,595.67
Gogar Lane	Review Storm Water Connection from Gogar Lodge to the landowners new septic tank	£5,750.46
Ocean Terminal	Re-design of Ocean Terminal Bypass Road	£53,685.15
Airport to Gyle	Tram Delivery Temporary Works	£6,878.44
Section 6 - Depot Access Road	tion 6 - Depot Access Road Amend the design of the Depot Road turning head as portable RDC191. Option 2	
Edinburgh Park	Extension to Edinburgh Park Office to accommodate CEC / Transport Scotland	£159,900.00

£1,012,144.47