

For the attention of Martin Foerder - Project Director  
Bilfinger Berger - Siemens - CAF Consortium  
9 Lochside Avenue  
Edinburgh Park  
Edinburgh  
EH12 9DJ

Our Ref: INF CORR 5772

Date: 10 August 2010

Dear Sirs,

**Edinburgh Tram Project Infraco  
Future Conduct in the matter of Notified Departures and tie Changes.**

We have now considered the Decision handed down by Lord Dervaird on 8 August 2010 in the matter of the Adjudication on "Murrayfield Underpass Structure S21C". Without prejudice to our position that we do not admit Lord Dervaird's determination in paragraph 27 (1) or any of his reasoning, we intend in the interim to proceed as follows:

1. Where a Notified Departure is **disputed by tie** and **there is no Estimate** an instruction to proceed may be issued by us pursuant to clause 34.1.
2. Where a Notified Departure is **disputed by tie** and **there is an Estimate** an instruction to proceed may be issued under clause 34.1.
3. Where a Notified Departure is **accepted by tie** and **an Estimate has been issued but not agreed** we will apply the terms of clause 80.15.
4. Where a Notified Departure is **accepted by tie** and **there is no Estimate** we consider you in breach of the Infraco Contract terms. One consequence of which is to deny **tie** the ability to instruct pursuant to clause 80.15. Under such circumstances Infraco will be held liable for all the consequences of their breach.

Yours faithfully,

  
Steven Bell  
Project Director – Edinburgh Tram

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