

Privileged and confidential - prepared in contemplation of litigation; FOISA exempt.  
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Separation

Milestones	Infracore	tie	Difference	£000's	£000's	£000's
Construction Milestones	22205	20559	1646			
CAF - Tram Supply Milestones	46997	0	0			
Maintenance Milestones	267	0	0			
SOS	6248	216	0			
MOVA - Certificate 1	29060	27000	2060			
MOVA - Certificate 2	12095	9000	3095			
Certificate No. 43	7727	6160	1567			
MOVA - Certificates 3A, B and C (yet to be certified)	13000	13000	0			
Prioritised Works Milestones (excluding Preliminaries)	22817	22817	0			
Partially completed Construction Milestones	5680	0	0			
Total	166986	157512	8884	160040	160040	160040

Infracore	tie	Difference	Value to be used for analysis	Midway point between the and Infracore in relation to disputed items - see section 2 of report.
5295	0	5295	5295	5295
5079	4127	952	4603	4603
10374	9422	952	9898	9898

Infracore	tie	Difference	Value to be used for analysis	Midway point between the and Infracore in relation to disputed items - see section 2 of report.
3087	2839	248	2963	2963

Infracore	tie	Difference	Value to be used for analysis	Midway point between the and Infracore in relation to disputed items - see section 2 of report.
3120	1589	1531	2355	2355
500	448	52	474	474
6707	4876	1831	2829	2829

Infracore	tie - principle	figure re quantum (expressed as range)	Difference	Value to be used for analysis	Midway point between the and Infracore in relation to disputed items - see section 2 of report.
2422	61	1259	1198 - 2361	1841	1841
848	266	410	438 - 693	629	629
640	229	436	206 - 411	538	538
3471	499	2306	1165 - 1807	2889	2889
7381	1044	4410	3007 - 5172	5897	5897

Time based approach	Entitlement based approach	Fixed prelims	Progress of works	Additional cost caused by delay	Infracore	tie	Difference	Value to be used for analysis	Midway point between the and Infracore in relation to disputed items - see section 2 of report.
	10186	11990	60000		54405	5929	82176	54405 - 82176	54405 - 82176

Infracore	tie	Difference	Value to be used for analysis
45200	31832	13368	45200

Infracore	tie	Difference	Value to be used for analysis
690	0	0	690
4477	0	0	4477
409	0	0	409
5576	5576	0	5576

Completion of CAF TSA Milestones include in cost to complete to York Place below  
 CAF - delay to depot to December 2011  
 CAF - further claims  
 CAF - MUDFA claim (NINC 429)  
 Additional consequences  
 Value to be used for analysis  
 Infracore  
 tie  
 Difference  
 5576  
 5576  
 5576  
 5576  
 5576

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 formal dispute resolution proceedings. It provides a context in which to examine a number of potential options in order to provide a basis of  
 comparison between them.

Separation

Claims by the	Infraco	tie	Difference	Value to be used for analysis
Liquidated damages	0	0	0	0
Defects - Frances Street	Not known	500 - 8000	Not known	-4000
Consequential loss - Frances Street	0	<1000	0	0
Any other claims	Not known	<1000	0	0
	0	-8000		-4000

McGrigors LLP: This is a claim by Infraco and is therefore shown as a negative value

Proceeding to York Place	tie	184928	199471	Value to be used for analysis
Cost of another contractor to complete to York Place		10000		
Cost of putting on hold York Place to Newhaven		4543		
Cost of completing design		199471		
Cost of putting on hold York Place to Newhaven		199471		

OR  
 This value would be paid to another contractor; the figure has been used in the absence of actual figures from that contractor  
 McGrigors LLP

Putting project on hold	tie	12312	22313
Cost of putting on hold all outstanding work		10000	
Cost of completing design		22313	

Totals - proceeding to York Place	Infraco	tie	Difference	Range of values for analysis
Infraco entitlement	326597	259506	67091	282808 310579
Plus costs of proceeding to York Place	199471	199471	0	199471 199471
	526068	458977	67091	482279 510050

Alternative total - whole project put on hold	Infraco	tie	Difference	Range of values for analysis
Infraco entitlement	326597	259506	67091	282808 310579
Costs of putting project on hold	22313	22313	0	22313 22313
	348910	281819	67091	305121 332892

Legal costs	3000
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Continue with Infracore Contract to York Place

	£000's	£000's	£000's	£000's	£000's	£000's
<b>Milestones</b>						
Construction Milestones	2205	20569	1646			
CAF - Tram Supply Milestones	46997	46997	0			
Maintenance Milestones	267	267	0			
SDS	6248	6032	216			
MOV4 - Certificate 1	29060	27000	2060			
MOV4 - Certificate 2	12095	9000	3095			
Certificate No. 43	7727	6160	1567			
MOV4 - Certificate 3A, B and C (yet to be certified)	13000	13000	0			
Partially completed Construction Milestones (excluding preliminaries)	22817	5680	0			
	166096	157512	8584			
<b>Milestones</b>						
Infracore	160040	160040	0			
Difference						
Value to be used for analysis	160040	160040	160040			
<b>NTCs agreed in full - work already carried out</b>						
Infracore	10375	10375	0			
Difference						
Value to be used for analysis	10375	10375	10375			
<b>NTCs determined through adjudication - work already carried out</b>						
Infracore	3087	2839	248			
Difference						
Value to be used for analysis	4004	4004	0			
<b>NTCs determined through adjudication - work yet to be carried out</b>						
Infracore	917	1165	-248			
Difference						
Value to be used for analysis	4004	4004	4004			
<b>NTCs disputed in quantum only - work already carried out</b>						
Infracore	3120	1589	1531			
Difference						
Value to be used for analysis	2355	2355	2355			
<b>NTCs disputed in quantum only - work yet to be carried out</b>						
Infracore	12212	10274	1938			
Difference						
Value to be used for analysis	14072	14072	14072			
<b>NTCs disputed in principle - work already carried out</b>						
Infracore	2422	61	1259			
Difference (range)						
Value to be used for analysis (expressed as quantum figure re principle)	1841	1841	1841			
<b>NTCs disputed in principle - work yet to be carried out</b>						
Infracore	7381	1044	4410			
Difference						
Value to be used for analysis	5897	5897	5897			
<b>NTCs disputed in principle - work yet to be carried out</b>						
Infracore	18355	3007	9275			
Difference						
Value to be used for analysis	13815	13815	13815			
<b>Time based approach</b>						
Preliminaries	47276		10186			
Preliminaries in relation to Prioritised Works	1200		60000			
Incentivisation milestone	5929					
Preliminaries	54405		82176			
Difference						
Value to be used for analysis	45200	45200	45200			
<b>Mobilisation</b>						
Infracore	45200	31832	13368			
Difference						
Value to be used for analysis	45200	45200	45200			

McGrigors LLP:  
 This figure is described as the assessment in relation to the mobilisation payment. However, it does not, in fact, address that issue.

McGrigors LLP:  
 See report in relation to the calculation of this figure

McGrigors LLP:  
 In each case, the midway point between Infracore's figure, and the alternative quantum figure

McGrigors LLP:  
 In each case, the midway point between the end of Infracore in relation to disputed items - see section 2 of report

McGrigors LLP:  
 This arises because of a dispute in relation to which work has currently been proposed

McGrigors LLP:  
 Midway point between the end of Infracore in relation to disputed items - see section 2 of report

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 context of any negotiations with Infracore, nor does it necessarily reflect the approach that would be taken in the context of any formal dispute  
 resolution proceedings. It provides a context in which to examine a number of potential options in order to provide a basis of comparison  
 between them.

Continue with Infracore Contract to York Place

Loss of profit York Place to Newhaven	Infracore	1938	1938	tie	1938	Value to be used for analysis	1938
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McGrigors LLP: Infracore's figure not known, the figure has been utilised for the purposes of this exercise

Additional consequences	Infracore	690	690	tie	690	Value to be used for analysis	690
CAF - MUDFA claim (INTC 429)		690	690		690		690
CAF - delay to depot to December 2011		4477	4477		4477		4477
CAF - further claims		409	409		409		409
Completion of CAF TSA Milestones include in cost to complete to York Place below		5576	5576		5576		5576

McGrigors LLP: These figures have been converted from euros using a rate of £1=€1.139

Claims by the	Infracore	tie	tie	Difference	-4000	Value to be used for analysis	-4000
Liquidated damages		0	0		0		0
Deficits - Princes Street		Not known	500-8000	Not known	-4000		-4000
Consequential loss - Princes Street		0	0		0		0
Any other contra's		Not known	<1000	0	0		0

McGrigors LLP: This is a claim by the, and is therefore shown as a negative value

Proceeding to York Place	Infracore	182706	182706	tie	182706	Value to be used for analysis	182706
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McGrigors LLP: Infracore's figure not known, the figure has been utilised for the purposes of this exercise

Putting project on hold from York Place to Newhaven	Infracore	4543	4543	tie	4543	Value to be used for analysis	4543
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Totals - proceeding to York Place	Infracore	554279	457334	tie	96945	Range of values for analysis	505555 533326
Infracore entitlement		554279	457334		96945		4543 4543
Plus costs of putting project on hold		4543	4543		0		510098 537869

Legal costs							4000
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Successful termination

£000's	£000's	£000's	£000's	£000's	£000's
Milestones	Infracore	tie	Difference	used for analysis	Value to be
Construction Milestones	22205	20559	1646		
CAF - Tram Supply Milestones	46997	46997	0		
Maintenance Milestones	267	267	0		
SDS	6248	6032	216		
MOVA - Certificate 1	29060	27000	2060		
MOVA - Certificate 2	12095	9000	3095		
Certificate No. 43	7727	6160	1567		
MOVA - Certificates 3A, B and C (yet to be certified)	13000	13000	0		
Prioritised Works Milestones (excluding preliminaries)	22817	22817	0		
Partially completed Construction Milestones	5680	5680	0		
Totals	166096	157512	8584		
				74816	
				27000	
				9000	
				7727	
				13000	
				22817	
				5680	
				160040	

McGrigors LLP: There is no figure from Infracore; the figure has therefore been used

Value to be used for analysis	5295	5295	0		
Infracore	5079	4127	952		
tie	9422	952			
Difference	4603				
McGrigors LLP: used for analysis and Infracore in relation to the Midway point between the disputed items - see section 2 of report	9898				

Value to be used for analysis	3087	2839	248		
Infracore	6707	4876	1831		
tie	500	52	474		
Difference	2355				
McGrigors LLP: used for analysis and Infracore in relation to the Midway point between the disputed items - see section 2 of report	2829				

Value to be used for analysis	2422	61	1259		
Infracore	640	229	410		
tie - principle	848	255	438 - 593		
the alternative figure re quantum (expressed as range)	3471	499	2306		
Difference	1,165 - 1,807				
McGrigors LLP: used for analysis and Infracore in relation to the Midway point between the disputed items - see section 2 of report	5897				

Value to be used for analysis	47276	10186	11990		
Infracore	1200		60000		
tie	5929				
Difference	13368				
McGrigors LLP: used for analysis and Infracore in relation to the Midway point between the disputed items - see section 2 of report	45200				

£000's	£000's	£000's	£000's	£000's	£000's
Milestones	Infracore	tie	Difference	used for analysis	Value to be
Construction Milestones	22205	20559	1646		
CAF - Tram Supply Milestones	46997	46997	0		
Maintenance Milestones	267	267	0		
SDS	6248	6032	216		
MOVA - Certificate 1	29060	27000	2060		
MOVA - Certificate 2	12095	9000	3095		
Certificate No. 43	7727	6160	1567		
MOVA - Certificates 3A, B and C (yet to be certified)	13000	13000	0		
Prioritised Works Milestones (excluding preliminaries)	22817	22817	0		
Partially completed Construction Milestones	5680	5680	0		
Totals	166096	157512	8584		
				74816	
				27000	
				9000	
				7727	
				13000	
				22817	
				5680	
				160040	

McGrigors LLP: In each case, the Midway point between the figure, and the alternative figure, has been utilised as the basis of their likely approach

Value to be used for analysis	45200	45200	0		
Infracore	45200	45200	0		
tie	31632	13368			
Difference	13368				
McGrigors LLP: used for analysis and Infracore in relation to the Midway point between the disputed items - see section 2 of report	45200				

McGrigors LLP: This figure is described as the assessment in relation to the mobilisation payment; however, it does not, in fact, address that issue

Value to be used for analysis	5576	5576	0		
Infracore	690	690	0		
tie	4477	4477	0		
Difference	4477	409			
Completion of CAF - TSA Milestones include in cost to complete to York Place below	409	409	0		
CAF - further claims	477	477	0		
CAF - delay to depot to December 2011	690	690	0		
CAF - MUDFA claim (INTC 429)	690	690	0		
Additional consequences	5576	5576	0		

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 between them.

**Successful termination**

Claims by the	Infraco	tie	Difference		
Liquidated damages					
Defects - Princes Street	Not known	500-8000	Not known	0	0
Consequential loss - Princes Street	0	<1000	0	0	0
Any other contras	Not known	-8000	0	0	0
<b>Value to be used for analysis</b>					
McGrigors LLP:					
negative value				-4000	-4000
therefore shown as a				0	0
This is a claim by be, and is				0	0

<b>Proceeding to York Place</b>	tie				
Cost of employing another contractor under a new risk profile	184928				
Completing design	10000				
Putting project on hold from York Place to Newhaven	4543				
<b>Value to be used for analysis</b>					
199471	199471	199471	199471	199471	199471

**OR**

Putting project on hold	12313
Cost of putting on hold all outstanding work	10000
Cost of completing design	22313

McGrigors LLP:  
 This value would be paid to another contractor, the figure has been used in the absence of actual figures from that contractor

<b>Totals - proceeding to York Place</b>	Infraco	tie	Difference		
Infraco entitlement	326597	259506	67091		
Plus costs of proceeding to York Place	199471	199471	0		
<b>Range of values for analysis</b>					
282808	310579	67091	67091	482279	510050

<b>Alternative total - whole project put on hold</b>	Infraco	tie	Difference		
Infraco entitlement	326597	259506	67091		
Costs of putting project on hold	22313	22313	0		
<b>Range of values for analysis</b>					
282808	310579	67091	67091	305121	332892

Legal costs	4000
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Unsuccessful termination

Milestones	Infracore	tie	Difference	Value to be used for analysis
Construction Milestones	22205	20559	1646	74816
CAF - Tram Supply Milestones	46997	46997	0	
Maintenance Milestones	267	267	0	
SDS	6248	6032	216	
MO4 - Certificate 1	29080	27000	2080	27000
MO4 - Certificate 2	12095	9000	3095	9000
Certificate No. 43	7727	6160	1567	7727
MO4 - Certificates 3A, B and C (yet to be certified)	13000	13000	0	13000
Preliminary/Partially completed Construction Milestones	22817	22817	0	22817
	5680	5680	0	5680
	166096	157512	8584	160040

McGhigors LLP: There is no figure from Infracore; the figure has therefore been used

Infracore	tie	Difference	Value to be used for analysis
10375	10375	0	10375
10375	10375	0	10375

McGhigors LLP: In this case, it is assumed that Infracore will complete the agreed Infracore, and the full value will be paid

Infracore	tie	Difference	Value to be used for analysis
3087	2839	248	4004
917	166	-248	4004

McGhigors LLP: This arises because of a dispute in relation to which work has currently been progressed

Infracore	tie - principle	the alternative figure re quantum	Difference (expressed as range)	Value to be used for analysis
2422	61	1559	1,198 - 2,361	1841
848	255	410	438 - 593	629
640	229	436	206 - 411	538
3471	499	2306	1,165 - 1,807	2889
18356	3007	9276	9080 - 18355	13815
5914	308	4190	1724 - 5606	5052
93	292	142	(199) - (49)	292
8633	24	3734	4899 - 8609	6183
32995	3631	17341	14504 - 32521	25342

McGhigors LLP: In each case, the midway point between Infracore's figure, and the alternative quantum figure

Infracore	tie	Difference	Value to be used for analysis
45200	31832	13368	45200

McGhigors LLP: However, it does not, in fact, address that issue

Infracore	tie	Difference	Value to be used for analysis
45200	31832	13368	45200

McGhigors LLP: Infracore's position is not known; the higher figure has been utilized as the basis of their likely approach

McGhigors LLP: See report in relation to the approach taken to the calculation of this figure

McGhigors LLP: In each case, the midway point between Infracore's figure, apart from 22.5

McGhigors LLP: In each case, the midway point between Infracore's figure, and the alternative quantum figure

McGhigors LLP: Midway point between the and Infracore in relation to disputed items - see section 2 of report

McGhigors LLP: Midway point between the and Infracore in relation to disputed items - see section 2 of report

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 between them.

Unsuccessful termination

Loss of profit York Place to Newhaven	Infracore	1938	1938	1938	Value to be used for analysis	1938
	Infracore	1938	1938	1938	Value to be used for analysis	1938
Infracore's figure not known, the figure has been used for the purposes of this exercise McInroy's LLP:						
Additional consequences	Infracore	690	690	690	Value to be used for analysis	690
CAF - MUDFA claim (INTC 429)		690	690	690	Value to be used for analysis	690
CAF - delay to depot to December 2011		4477	4477	4477	Value to be used for analysis	4477
CAF - further claims		409	409	409	Value to be used for analysis	409
Completion of CAF TSA Milestones include in cost to complete to York Place below		576	576	576	Value to be used for analysis	576
		0	0	0	Value to be used for analysis	0
		576	576	576	Value to be used for analysis	576

McInroy's LLP:  
 These figures have been converted from negative value

Claims by the	Infracore	0	0	0	Value to be used for analysis	0
Liquidated damages		0	0	0	Value to be used for analysis	0
Defects - Princes Street		Not known	500-8000	Not known	Value to be used for analysis	-4000
Consequential loss - Princes Street		0	0	0	Value to be used for analysis	0
Any other claims		Not known	<1000	0	Value to be used for analysis	-4000

Proceeding to York Place	Infracore	182706	182706	182706	Value to be used for analysis	182706
	Infracore	182706	182706	182706	Value to be used for analysis	182706
Infracore's figure not known, the figure has been used for the purposes of this exercise McInroy's LLP:						

Putting project on hold from York Place to Newhaven	Infracore	4543	4543	4543	Value to be used for analysis	4543
	Infracore	4543	4543	4543	Value to be used for analysis	4543
Infracore's figure not known, the figure has been used for the purposes of this exercise McInroy's LLP:						

Totals - pro	Infracore	554279	457334	96945	Range of values for analysis	505555 533326
Infracore entitlement		554279	457334	96945	Range of values for analysis	505555 533326
Plus costs of putting project on hold		4543	4543	0	Range of values for analysis	4543 4543
		558822	461877	96945	Range of values for analysis	510098 537869

To this total require to be added the costs associated with the delay caused by any period of formal dispute resolution proceedings

Legal costs						8000
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