

Sandra Elgin

From: Alastair Maclean
Sent: 03 May 2011 14:10
To: Sue Bruce (Chief Executive)
Subject: FW: Planned payment associated with MOV4, Certifier Agreement and Hg Consulting Certificate 1
Attachments: 20110503115606071.pdf

Sue

Can you have a look at this. Will pop down to discuss.

A

*Stitch up - Alastair raging!
This needs to be responded to
formally and quickly. /s*

From: Steven Bell [mailto:Steven.Bell@tie.ltd.uk]
Sent: 03 May 2011 12:14
To: Dave Anderson
Cc: Alastair Maclean; Donald McGougan; Richard Jeffrey; VRE - MobileMe
Subject: Planned payment associated with MOV4, Certifier Agreement and Hg Consulting Certificate 1
Importance: High

Commercially Confidential and FOI(S)A Exempt

Dave

Further to my email earlier this morning, and our conversation a few minutes ago, please find attached a letter confirming the arrangements discussed at the meeting held in Waverly Court on Thursday 28 April. The necessary treasury arrangements have been made to facilitate the payment in line with Hg Certificate 1 and a CHAPS payment will be made on receipt of your confirmation.

Please call if you require any further information.

Regards

Steven

Steven Bell
Project Director

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City of Edinburgh Council
Waverley Court
4 East Market Street
Edinburgh
EH8 8BG

Our Ref: INF CORR 7684-SB

3rd May 2011

FAO Mr D Anderson, Tram Project Senior Responsible Officer

Dear Dave,

Planned Payment to Infraco associated with Minute of Variation (MOV) 4, the Certifier Agreement and Hg Consulting Certificate 1

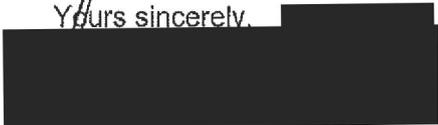
We note that arrangements have been made by CEC to enable payment solely based on the Hg Consulting Certificate 1 for £27m on Tuesday 3 May in line with the agreed draft MOV4 concluded between CEC and Infraco on 16 April 2011. This payment is planned through the existing process of CEC making funds available with it being paid to Infraco (Bilfinger Berger and Siemens in this Certificate) through **tie** Ltd.

This payment will be made on the basis of agreement by CEC that they have the reasonable expectation that MOV4 and the draft Certifier Agreement will be executed as soon as they can convene a Council Meeting and that the previously briefed risks are understood and accepted for MOV4. We understand that Infraco have advised Hg Consulting that they intend to sign MOV4 in its current form and will be sending a time bound offer letter to confirm that.

It is also noted that whilst such a payment does not exceed the authorised actual expenditure of up to £546m delegated to **tie** via TPB, TEL and CEC, on execution of MOV4 this will become a commitment to a total project cost in excess of £546m. Consequently, in confirming agreement to pay Certificate 1, CEC confirm and accepts that this would take **tie**/TEL outwith their current Operating Agreements with CEC once MoV4 is signed.

Please confirm your acceptance of the above to allow payment to be made as outlined.

Yours sincerely,


Steven Bell
Project Director – Edinburgh Tram

cc: A MacLean, CEC
D McGougan, CEC
R Jeffrey, **tie**

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