
From: Fitzgerald, Sharon
Sent: 20 March 2007 09:21
Subject: Re: Delegation of Statutory Powers

Thanks Trudi

That would be very useful.

Graeme

Andrew and I looked at the Operating Agreement on Friday. Unfortunately we don't have the final version but there is language in there which refers to tie carrying out services such as awarding contracts. This could be interpreted as tie awarding on behalf of CEC or entering into contracts itself. So, all that may be required is a letter from CEC amplifying the Operating Agreement and specifically confirming that tie has been delegated the relevant authority under the Acts to enter into contracts for construction etc.

Having said this, if the language is already wide enough in the Operating Agreement, then we should not seek to make any unnecessary changes. It would be helpful if you could provide us with a final version of the Operating Agreement for us to check.

Regards
Sharon

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-----Original Message-----

From: Trudi Craggs <Trudi.Craggs@tie.ltd.uk>
To: Graeme Bissett <graeme.bissett@[REDACTED]> Fitzgerald, Sharon
CC: Alastair Richards - TEL <Alastair.Richards@tie.ltd.uk>; Bob Dawson <Bob.Dawson@tie.ltd.uk>; Fitchie, Andrew
Sent: Tue Mar 20 08:02:58 2007
Subject: RE: Delegation of Statutory Powers

Graeme/Sharon

I will forward to you both a paper I did for Ian Kendall on this matter - I'm not in the office at the moment so I can't send it just now.

Perhaps once you've had a chance to consider we can discuss further. However I assume that the decision that tie should be the contracting party was agreed at TPB level at some point as part of the procurement strategy - if the grounds for coming to that decision remain sound then it may be tie's view that nothing further is required.

Trudi

From: Graeme Bissett [mailto:graeme.bissett@[REDACTED]]
Sent: Mon 19/03/2007 18:32

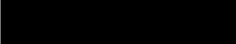
To: 'Fitzgerald, Sharon'
Cc: Alastair Richards - TEL; Bob Dawson; Andrew.Fitchie@dlapiper.com; Trudi Craggs
Subject: RE: Delegation of Statutory Powers

Sharon, not an issue I'm conscious has been discussed post Royal Assent. The assumption is tie will contract with Infraco (as with MUDFA, DPOFA, SDs etc). Do we need to do anything or are we permitted to proceed on this basis ?

Regards

Graeme

Graeme Bissett

m : 

From: Fitzgerald, Sharon [mailto:Sharon.Fitzgerald@dlapiper.com]
Sent: 16 March 2007 19:11
To: Graeme Bissett
Cc: Alastair Richards - TEL; Bob Dawson; Andrew.Fitchie@dlapiper.com; Trudi Craggs
Subject: Delegation of Statutory Powers

Graeme

I am not sure if you are the correct person to e-mail on this. Hopefully, if not, you can direct me to that person.

At a recent meeting with Trudi in relation to the Infraco Contract, Trudi raised the question of the delegation of statutory powers under the Tram Acts. Trudi mentioned that she had prepared a paper for Ian Kendall about a year ago on this issue and assumed that the issue had been resolved on the basis that various procurements had been initiated with tie being the contracting party.

Sorry if this may seem like I am going over old ground, but do you know if there is any outstanding issue to be dealt with? Our instructions from tie have always been to set up tie as the principal contracting party in all of the procurements. Are you aware if CEC intended to expand upon the existing drafting in the Operating Agreement to reflect the actual terms of the Tram Acts given that the Operating Agreement was in place prior to the Legislation being enacted?

Regards
Sharon

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