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**From:** Ennion, Bruce  
**Sent:** 01 April 2008 11:16  
**To:** Reynolds, Steve; Dolan, Alan  
**Subject:** RE: Misalignment Mark-up

Steve,

I have taken the liberty of commenting on your draft and I attach a track changed version for consideration and discussion.

As well as attempting to include clarification the document contains a number of questions which I believe we need to address.



BHTE Copy of  
31mar08 Restructu..

I still have a concern about the potential impact on SDS as a result of the changes introduced by **tie** in order to for **tie** to take the project forward.

Even though the Agreement contains procedures to address 'Change' we will again be faced with the approval and debate as to what constitutes 'Change' and bearing in mind we have attempted to identify all 'changes/differences' between the SDS work to date and

- the Infraco Bid (such that it is) and
- the ER's which are now significantly diluted and open to interpretation

I believe it is essential that SDS include a high level statement somewhere within the novation documentation along the following lines

*The cost and time implication of all additional work and or rework necessary to any SDS Deliverable which is the direct or indirect result of **tie** pursuing a different ETN (in terms of appearance, availability, operability, reliability, functionality and or configuration etc) to that originally proposed and detailed on the various SDS procurement documents (designs and procurement specifications/documents) will be reimbursed to SDS at the rates detailed in the SDS Agreement or any adjustment thereto.*

I propose such wording should assist our case in the event we have missed anything in our reviews, protect us in view of the vagaries of the documents we have reviewed and at least minimise any challenge as to what constitutes Change in the event

I remain available as required.

Bruce

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**From:** Reynolds, Steve  
**Sent:** 01 April 2008 07:40  
**To:** Dolan, Alan  
**Cc:** Ennion, Bruce  
**Subject:** Misalignment Mark-up

As discussed

<< File: Design Interface Proposal for Infraco.xls >>

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