
From: Graeme Barclay
Sent: 15 April 2009 07:48
To: Jim McEwan
Cc: Dennis Murray; John Casserly
Subject: RE: Contractual letters

Jim, I suggest we have this meeting to assess our overall exposure on either approach.

graeme

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From: Jim McEwan
Sent: 14 April 2009 08:39
To: Graeme Barclay
Cc: Dennis Murray; John Casserly
Subject: RE: Contractual letters

Graeme

No doubts about the position as to why the overtime has been/is required, where we differ is in the alerting of Carillion that this would be our position, what will our response be if they immediately now put an embargo on overtime unless we agree to write to them confirming that we will pay it in full and not seek recompense?

j

From: Graeme Barclay
Sent: 13 April 2009 11:14
To: Jim McEwan
Cc: Dennis Murray; John Casserly
Subject: RE: Contractual letters
Importance: High

Jim, I was the architect of these letters, not john. I am not intending withdrawal of either letter. It is a matter of record that we have had to instruct the o/time to mitigate delays to the project, which otherwise would have been exacerbated further. We need to discuss this matter asap to confirm what approach we are to take to ensure we (tie) are protected contractually. Your suggestion would compromise our position for recovery of any monies, which I am not comfortable with at all. Suggest a meeting next Monday 20th, say 1'ish.

How are we all placed for this?

Graeme

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From: Jim McEwan
Sent: 06 April 2009 14:52
To: John Casserly
Cc: Graeme Barclay
Subject: FW:

John

What was the motivation in sending these letters at this time, particularly 13575, it is unquestionable that you have a point on the overtime being occasioned by their lack of progress but it would surely have been better to wait until the works were completed? Now we are in a situation that they will stop all o/time if they are not being guaranteed to be recompensed for same.

The only suggestion I can now make is that we simply notify our withdrawal of these letters, and hopefully concede nothing in the process.

Please discuss

Jim

From: Beattie Steve [<mailto:Steve.Beattie@carillionplc.com>]
Sent: 06 April 2009 13:06
To: Jim McEwan
Subject:

Jim,

Please see attached letters.

Letter 13574 is ridiculous, but I am happy to respond if you so wish, although I think our time would be better spent pursuing important issues

Letter 13575 is equally ridiculous, and again we will respond, but my real concern is the reference to Clause 39. The paragraph in our original letter to which this refers related to your recent instructions to work overtime. This letter clearly states you have only instructed this course of action due to Carillion's inaction to mitigate delays to the programme and that all payments are on account, and confirming you may not reimburse our costs. This is clearly unacceptable to us, and I need your assurances by the end of the week that this is not the case in order to be able to continue overtime working after the weekend.

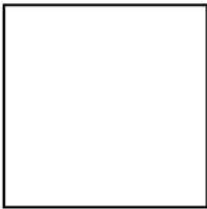
Please call if you wish to discuss further

Steve

Steve Beattie

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Carillion Infrastructure

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