
From: Nigel Robson [robson.nigel@[REDACTED]]
Sent: 25 February 2011 14:26
To: Steven Bell
Cc: Richard Jeffrey
Subject: RE: Mediation: Infraco Phoenix Proposal: Meeting Monday 28th Feb

Steven,

Managed to speak to Richard, and we need to add in Project Separation as a new 7.

Yes - we will need to discuss Sue's opening Statement, but we are not having 18 people inputting to that. I will agree the structure and framework for a revised draft with Dave. I am keen that we identify the areas of agreement and disagreement, and the process forward within the mediation as per my email yesterday to you all.

Can you or Richard please arrange for circulation of the Agenda this pm, once approved by you all? Thanks.

Nigel

--- On **Fri, 25/2/11**, **Steven Bell** <Steven.Bell@tie.ltd.uk> wrote:

From: Steven Bell <Steven.Bell@tie.ltd.uk>
Subject: RE: Mediation: Infraco Phoenix Proposal: Meeting Monday 28th Feb
To: "Nigel Robson" <[robson.nigel@\[REDACTED\]](mailto:robson.nigel@[REDACTED])>
Cc: "Richard Jeffrey" <Richard.Jeffrey@tie.ltd.uk>
Date: Friday, 25 February, 2011, 14:02

Nigel

I think if we get through that, it will do in the first instance. I imagine Dave Anderson will be keen to discuss his draft of Sue Bruce's opening statement which can be addressed under item 5.

Regards

Steven

Steven Bell

Project Director

Edinburgh Trams

Citypoint

TIE00685852_0001

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From: Nigel Robson [mailto:robson.nigel@[REDACTED]]
Sent: 25 February 2011 13:07
To: Steven Bell; Richard Jeffrey
Subject: RE: Mediation: Infraco Phoenix Proposal: Meeting Monday 28th Feb

Steven,

Thanks - that looks excellent. Agenda suggestion for Monday - looks horrendous but we need to do it!

Do you have anything to add? Will ring in 10 mins.

Nigel

Agenda

1 - Introduction

TIE00685852_0002

2 - Preliminary Observations - NR

3 - Initial Review of PPP:
Scope - SB

Risk Transfer - SB + DM

Programme/Completion Dates - SC

Term and Conditions (Engineering) - SB + DM

Pricing/Financials - GR + DM

4 - To review

Structures - lead tba

Tram Supply/Novation - lead tba

5 - Mediation Programme update following 3 and 4 above, plus identifying key participants:

Meetings/telcons on key elements.

'Principals' Briefing and 'tactics' discussion meeting(s).

Opening Statement Process

Document Assembly

6 - Logistics for Mediation

Venue/Accommodation/Attendees (see their list, have we covered off their expertise/specialisms)

Documents

Media/Communications

7 - AOB and Closing Words

--- On **Fri, 25/2/11**, **Steven Bell** <Steven.Bell@tie.ltd.uk> wrote:

From: Steven Bell <Steven.Bell@tie.ltd.uk>

Subject: RE: Mediation: Infraco Phoenix Proposal: Meeting Monday 28th Feb

To: "Nigel Robson" <robson.nigel@>, "Richard Jeffrey" <Richard.Jeffrey@tie.ltd.uk>

Cc: "Gregor Roberts" <Gregor.Roberts@tie.ltd.uk>, "Susan Clark" <Susan.Clark@tie.ltd.uk>, "Dennis Murray" <Dennis.Murray@tie.ltd.uk>

Date: Friday, 25 February, 2011, 11:08

Legally Privileged & FOI(S)A Exempt

Nigel,

TIE00685852_0003

Richard has already had an initial discussion with me and I am happy to follow your suggested approach. I have identified below the proposed "owners" for a report back on Monday.

I will confirm with Richard later today.

Scope - definition and drawings - certainty. Steven Bell

Risk Transfer - p5 and Appendix 4. There are significant exclusions - (See Noise and Vibration, Utilities, etc) - and 36 "Clarifications" which are effectively pricing assumptions. These are carefully written and in some cases widely drawn in terms of potential financial/programme impact. Steven Bell with input from Dennis Murray

Programme/Completion - p6 and Appendix 5. Are sequencing/sections ok? Susan Clark

Terms and Conditions - There are proposals eg in relation to Cl 80 and Change Orders, and at Appendix 2 on valuation ref prelims and prolongation. Also on Approval of key Sub-Contractors. (To be reviewed from practical Engineering perspective - not legal drafting) Steven Bell with input from Dennis Murray

Pricing/Financials - headline and detail. Gregor Roberts with input from Dennis Murray

and to leave/discuss on Monday:

All of the above will be an initial review as you suggest below and we will cover each as you suggest below.

-
- 1 Provide summary overview of Infraco's position - objective review.
 - 2 Identify key areas of agreement.
 - 3 Identify key areas of disagreement/problems - with suggested solutions/alternatives if appropriate.
 - 4 Identify the detailed work and analysis that needs to be carried out in advance of mediation, by whom, and when?
-

Regards

Steven

Steven Bell

Project Director

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From: Nigel Robson [mailto:robson.nigel@[REDACTED]]
Sent: 25 February 2011 10:44
To: Richard Jeffrey; Steven Bell
Cc: 'vicemery@[REDACTED]'; 'sue.bruce@edinburgh.gov.uk'; 'Donald McGougan'; 'Colin Smith'; Dave Anderson; Anthony Rush; Brandon Nolan; Dennis Murray; Gregor Roberts; DrysdaleGraham
Subject: Mediation: Infraco Phoenix Proposal: Meeting Monday 28th Feb

Dear Richard/Steven,

Upon reading the Consortium's Project Phoenix Proposal ("PPP") my suggestions/actions for monday follow. I do not intend to expend time or energy on their Mediation Statement. The real work lies in the PPP.

TIE00685852_0005

Essentially we need you to allocate members of your team to look at the key elements of their proposal, which I have broken down as follows:

Scope - definition and drawings - certainty.

Risk Transfer - p5 and Appendix 4. There are significant exclusions - (See Noise and Vibration, Utilities, etc) - and 36 "Clarifications" which are effectively pricing assumptions. These are carefully written and in some cases widely drawn in terms of potential financial/programme impact.

Programme/Completion - p6 and Appendix 5. Are sequencing/sections ok?

Terms and Conditions - There are proposals eg in relation to Cl 80 and Change Orders, and at Appendix 2 on valuation ref prelims and prolongation. Also on Approval of key Sub-Contractors. (To be reviewed from practical Engineering perspective - not legal drafting)

Pricing/Financials - headline and detail.

and to leave/discuss on Monday:

Structures - Management going forward, and DRP/Independent Certifier.

Tram/Supply Arrangements

For Monday we need someone to report on the first five. The general approach/style will be to:

- 1 Provide summary overview of Infraco's position - objective review.
- 2 Identify key areas of agreement.
- 3 Identify key areas of disagreement/problems - with suggested solutions/alternatives if appropriate.
- 4 Identify the detailed work and analysis that needs to be carried out in advance of mediation, by whom, and when?

In particular, if there is information or clarification (as distinct from negotiation) required, or there is an alternative that we could usefully ask them to work up ahead of 8th March, then this should be flagged up on Monday, and Brandon plus ourselves can decide whether to take that forward. We would hesitate to do this unless there was a significant justification.

I know that Tony will be looking through the PPP independently.

I have a separate telcon coming up for an hour plus, so will try and ring between midday and 1.00pm. We

can discuss the agenda for monday then.

Best wishes,

Nigel

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