

Our ref: 25.1.201/KDR/6860

Bilfinger Berger-Siemens- CAF
Consortium

29 September 2010

BSC Consortium Office
9 Lochside Avenue
Edinburgh Park
Edinburgh
EH12 9DJ
United Kingdom

tie limited
CityPoint
65 Haymarket Terrace
Edinburgh
EH12 5HD

Phone: [REDACTED]

Fax: [REDACTED]

For the attention of Steven Bell – Tram Project Director

Dear Sirs,

**Edinburgh Tram Network Infraco
Infraco Contract: Cessation of all "goodwill" Works**

We refer to our letter dated 22 September 2010 (25.1.201/KDR/6790) in which we advised that we would write to you separately in regard to Infraco's position on works which we are not obliged to carry out under the Infraco Contract.

As you are aware, we have been carrying out certain works which are the subject of INTCs on a goodwill basis and without prejudice to our contractual rights. This was on the understanding that tie would proceed to agree Estimates and issue tie Change Orders in respect of the work in question. We have seen little movement or commitment by tie to achieve this. We are not required to carry out works which are the subject of an INTC in advance of receipt of a tie Change Order or an agreed Estimate.

Accordingly, we advise that forthwith we will cease works associated with the list of INTCs enclosed with this letter in respect of which no tie Change Order or agreed Estimate exists.

Yours faithfully,

[REDACTED]
M Foerder
Project Director
Bilfinger Berger Siemens CAF Consortium

cc: D. Darcy
G. Wakeford
R. Walker
M. Flynn
A. Campos
M Berrozpe
A. Urriza

Edinburgh Tram Network

List of INTCs (Infraco Letter reference 25.1.201/KDR/6860)

INTC	Description
54	TNC007 : St Andrew Square Public Realm Works as CEC specification [Draft]. Site forming extended area over Infraco contract. Issued with drawings & Specification Volume 2 Part 7.
64	TNC009 : Ocean Terminal Revised Finishes
66a	Revised Specification (RBS) Gogarburn Tramstop version 2
74a	Sewer Diversion, Gogar Landfill
96	Shandwick Place CEC preferential Treatments
103	IFC Drawing Changes - A8 Underpass
106	IFC Drawing Change Murrayfield Stadium RTW
107	IFC Drawing Change Bankhead RTW
108	IFC Drawing Change Gyle Stop RTW
109	IFC Drawing Change Murrayfield Underpass
110	IFC Drawing Change South Gyle Access Bridge
147	IFC Drawings Change Murrayfield Training Pitches Retaining Wall
148	IFC Drawing Change Balgreen Road Underbridge
152	IFC Drawing changes Vertical and horizontal Alignment Section 5 Sheets 1 to 26
154	IFC Drawing changes OLE Section 5 sheets 1 to 13
156	IFC Drawing changes Tramstops Balgreen Edinburgh Park Saughton and South Gyle
167a	Further changes to wanderers clubhouse building at Murrayfield
167B	Further changes to wanderers clubhouse building at Murrayfield - additional radiators
170	Demolition and alteration of existing building at Cathedral Lane
199	IFC Drawing changes - Balgreen bridges 22 and 22a
203c	Hard Landscaping
203f	Soil Nailing and Soil Reinforcement Works
203h1	Drainage BDDI to IFC Change
203h2	Drainage including Depot Pumping Station, manhole and rising main
203k1	Piling to OLE Poles - IFC Drawings
203k2	Increase in number of OLE bases
203q	IFC issue drawings for earthing and bonding
203s	IFC drawing changes - revised spec Kaba Doors
203v	IFC drawing change to drainage rev 6
204	IFC Drawing changes - Roads , Streetlightning , Drainage Section 5B
205	IFC Drawing changes - Roads , Streetlightning , Drainage Section 5C
210	IFC Drawing changes - Road ,Street Lighting,Landscaping and Drainage Section 1B
211	IFC Drawing changes - Haymarket Tram Stop
212	IFC Drawing changes - Roads and Street Lighting,Landscaping and Drainage Section 2A
213	IFC Drawing changes - Haymarket Station Substation
215	Demolition and alteration of existing Bus Depot at Leith Walk

Edinburgh Tram Network

List of INTCs (Infraco Letter reference 25.1.201/KDR/6860)

INTC	Description
232	IFC Drawing Changes - Section 1C road design
240	Removal and Reinstatement of BT Phone Box
258	Accommodation Works Future Proofing on behalf of New Ingliston Limited and Highland Properties Limited (Scotland).
262	IFC Drawing Changes - Section 5B - Track Drainage
262b	IFC Drawing Changes - Section 5B - Track Drainage
264A	IFC Drawing Changes - Earthworks lowering Lindsay Road
264B	IFC drawings and specification for work chainages 100000 to 100600 - section 1A4
277	Airport Tramstop Canopy tie in options.
290	CAF - Air Supply
316B	Section 1D - IFC Drawing Changes drainage Plate 24 only
335	IFC Drawing Changes - Track Drainage Section 5C
359	Haymarket Junction- Underground Chamber at Clifton Terrace
374b	Gogar Landfill Area surcharging and monitoring of surcharge
374c	Gogar Landfill Area soil nailing and reinforced earth
374D	Gogar Landfill area - Trckform Change
380	Amend OHLE fixings at Depot Access Bridge
404	Section 5B - Drainage Ditches
405	Additional Retaining Wall at Tower Bridge Pumping Station
411	IFC Drawing Changes - Trackform
415	Depot Pumping Station, manhole and rising main
417	BAA Dualling Future Proofing (Eastfield Avenue)
424a	Revised IFC HRL Drawings Section 7 - Road Scheme layout
424b	Revised IFC HRL Drawings Section 7 - Gogar farm Road layout
424c	Revised IFC HRL Drawings Section 7 - Ingilston Park and Ride Tram stop access and car park
424d	Revised IFC HRL Drawings Section 7 - junction 210 traffic signal (additional civil works)
424e	Revised IFC HRL Drawings Section 7 -road footway realignment
433	Traffic management at Verity House Access Road
441	Site Wide Contamination
471	IFC drawing changes - Section 5B - Ducting and Cable Routes
493	Base Date Design to Issued for Construction Drawings - Murrayfield Stadium Tram Stop
494	IFC drawing changes - Section 5A - Ducting and Cable Routes
495	IFC drawing changes - Section 5C - Ducting and Cable Routes
496	IFC drawing changes - Section 1A - Ducting and Cable Routes
498	IFC issue drawings for Bus Lane and Tram only zones - Systemwide
504	Additional lighting columns at Carrick Knowe Bridge
510	IFC drawing changes - Section 7 - Ducting and Cable Routes

Edinburgh Tram Network

List of INTCs (Infraco Letter reference 25.1.201/KDR/6860)

INTC	Description
511	Russell Road Retaining Wall 4 - piling obstructions - alternative design required.
515	Floating Slab in City Centre
520	Traffic Management to accommodate re-introduction of buses
521	Disaster recovery Centre
523	A8 Underpass - support and protect BT equipment
528	IFC Drawing changes - Roads , Streetlightning , Drainage Section 5A
544	Additional parapet upstand on deck of Carrick Knowe bridge
545	Remove Bus Shelter in George Street
555	5B Bus Gate protection or diversion of existing services
559	A8 Underpass Scottish Gas Main Diversion
588	Special trackform construction at shallow depth obstructions
590	Section 2A - CBR Verification Results - TQ 1518
593	Revisions to OLE bases - Section 2A
594	IFC drawing changes - Section 2A - Ducting and Cable Routes
611	Bus Gate existing drainage
613	W8 Baird Drive RTW - contaminated material
628	Removal of materials from Port of Leith Housing Association land at the Casino
629	IFC Drawing changes for Section 2 Track Drainage
631	OLE Pole foundations - BDDi - IFC - Section 7
653	Badger Sett removal
657	Jane Street Radio Mast - Feasibility Study and Site Share Application
674	Edinburgh Park Station Tramstop

**Edinburgh Tram Network
Bilfinger Siemens Consortium**



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The City of Edinburgh Council
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Bilfinger Berger Civil-EDI			
Date Sent	11 JUN 2014 11:17		
File Number			
Action			
Distribution			

Our Reference: ETN(BS)CEC&ABC#061496
Your Reference:

**For the attention of Andy Scott
Director of Project Delivery – Edinburgh Tram**

**Edinburgh Tram Network Infraco Contract
Moving of Surplus Materials from Broxburn Depot**

04 June 2014

Dear Andy,

We enclose a copy of the Inventory for the surplus materials, parts and equipment that were moved, by Siemens on behalf of, and under instruction from, CEC, from the Broxburn Warehouse to Gogar Depot, Pansy Walk Yard/Depot, Bangor Road Bus Depot and Seafield Bus Depot.

The Inventory is divided to match these locations and it lists what was dispatched from Broxburn Warehouse and what was received at each of these Depots. We also confirm that the master spreadsheet, which is the basis for the attached Inventory, was emailed to Willie Delaney on 12 May 2014. There are also two hard copies available with our Ian Cramond for uplift by CEC when required.

Please be advised that the materials listed in the Inventory are the property of CEC and that title in the same vested in CEC upon the terms and in the manner prescribed in MoV4 and in the Vesting Certificate attached thereto. Further, please be advised that the materials are required to be insured by way of the OCIP Insurances taken out and maintained in full force and effect for the required term.

We further confirm that the storage locations identified above are in the possession and control of CEC and that CEC shall be responsible for access to and security of the same.

**Bilfinger Construction UK Limited
Registered Office**

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M2 3AB

Company Registration No. 2418086
Registered in England and Wales

**Siemens plc
Registered Office**
Sir William Siemens Square
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**Edinburgh Tram Network
Bilfinger Siemens Consortium**



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Page 2 of 2

Yours sincerely,



Martin Förder
Consortium Project Director

M

cc. Axel Eickhorn, Ian Cramond, Susanne Fersch, Patrick Scully

Enc: 140328_Surplus_Materials_Broxburn_Depot.zip

Our ref: 25.1.201/MFo/8706

30 August 2011

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Bilfinger Berger-Siemens- CAF
Consortium

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For the attention of Sue Bruce – Chief Executive Officer

Dear Madam,

**Edinburgh Tram Network Infraco
Infraco Contract – Extension to Funding Deadline**

We note that the full Council Meeting of the City of Edinburgh Council on 25 August 2011 did not approve the proposed funding package for the negotiated and agreed St. Andrew Square/York Place option. This option is reflected in the amended Infraco Contract through the agreed Settlement Agreement and associated documents which are very close to agreement to facilitate execution.

We would like to highlight that we are deeply concerned that CEC may not be able to fulfill the commitments as outlined in the Heads of Terms agreed during the Mediation process on 12 March 2011 and further reflected in the executed MoV 4 dated 10 June 2011.

The Parties have previously agreed that CEC shall confirm that sufficient funds are available in order that CEC / tie are able to meet all its obligations under the amended Infraco Contract by 5 pm on 1 September 2011. In order to give CEC the opportunity to confirm the funding we hereby offer to extend the funding deadline to 5 pm on 2 September 2011. Failing this confirmation, the Infraco Contract shall automatically terminate at 5pm on 2 September 2011 and the agreed compensation amounts shall be paid by CEC to each of Bilfinger Berger Civil UK Limited and Siemens plc.

Separate to the funding confirmation a formal extension of MoV 4 is required to avoid the cessation of the Prioritised Works by the end of this week.

The consequences of the Council's decision to implement the further descoped option from the Airport to Haymarket need to be considered fully, these include but are not limited to the following:

- The termination at Haymarket is not defined and a turnback design strategy will be required
- The scope of the works under the Infraco Contract has to be re-defined
- The effects on the programme have to be analysed however, a delay cannot be avoided
- Mobilisation to commence the works will be delayed which will have further consequences on costs including subcontractor prices
- The re-defined scope will result in an increase in the price and an appropriate compensation will need to be agreed for the non executed works between Haymarket and St. Andrew Square/York Place.

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Siemens plc Registered Office: Sir William Siemens Square Frimley Camberley Surrey GU16 8QD Registered in England & Wales Company No: 727817

Construcciones Y Auxiliar de Ferrocarriles S.A. Registered Office Jose Maria Iturriz 26, 20200 Beasain, Gipuzkoa. Registered in Spain. CIF: A-20001020

We have forged an atmosphere of trust and cooperation since Mediation and in order that we can achieve our common goal to provide the people of Edinburgh with a modern transport system, we urge you to provide us with a funding confirmation by 5 pm on Friday 2 September 2011.

Notwithstanding the above, we respectfully advise that the Parties remain bound by the provisions of the Mar Hall Confidentiality Agreement and the confidentiality undertakings contained within the Infraco Contract.

Yours faithfully,



M Foerder
Project Director
Bilfinger Berger Siemens CAF Consortium

cc: Dr Keysberg
Dr Schnependahl
Antonio Campos
Alfred Brandenburger
Colin Smith