

Reynolds, Stephen

From: Reynolds, Steve
Sent: 16 May 2008 09:56
To: Dolan, Alan; Clement, Gavin; Ney, Scott; Shudall, Kate; Ennion, Bruce
Cc: Chandler, Jason
Subject: SDS Novation Agreement - Revision to Clause 4.8

The Infracore /SDS contract documentation is currently being prepared for publication and a full document will be available to us shortly. In the meantime, following what I have been relating to you about the change in order of precedence on approvals, you should be aware of the attached detailed revision to Clause 4.8. It's possible that this revision will impact the approvals process significantly and we will work with BBS to ensure that we achieve a harmonious solution with CEC and the other approval bodies. In advance of the discussions which will be needed with all parties to achieve that please advise when any problems arise so that we can maintain a consistent stance under our new obligations.

Please note as a general observation that now we have been novated our interests are now closely aligned with those of BBS and the aim is for us to work together for the good of the project and for the benefit of our stakeholders. Richard Walker as MD BB UK and I fully understand that these joint aims can only be achieved through the development of strong professional working relationships and to that end he and I are currently making arrangements for some BBS /PB team get-togethers. Jason and I will keep you informed as the plans crystallise.

Thanks - Steve



Clause 4.8
Revision.doc

Stephen C Reynolds
Director, PB Ltd
Manchester Technology Centre
Oxford Road, Manchester, UK, M1 7ED
Direct +44 (0) [REDACTED]
Mobile +44 (0) [REDACTED]

SDS Agreement. Clause 4.8

As cast in the original contract and applicable prior to novation

- 4.8 If it should be found that the Deliverables do not fulfil the requirements of this Agreement or the needs of any Approval Bodies, the SDS Provider shall at its own expense amend the Deliverable. Such amendment shall be made in accordance with Schedule 9 (Review Procedure) and such amendment and rectification shall ensure that the Deliverable shall satisfy the requirements of this Agreement and any Approval Bodies.
-

As revised in the Novation Agreement and applicable post novation

- 4.8 Delete all after 'Approval Bodies' and add: "the SDS Provider shall amend the Deliverable. Such amendment shall be at the SDS Provider's cost except where such amendment is required in order for the Deliverable to meet the requirements of any Approval Bodies, where such requirements are:
- 4.8.1 inconsistent with or in addition to the Infraco Proposals or the Employer's Requirements;
 - 4.8.2 not reasonable given the nature of the Approval Body; or
 - 4.8.3 not reasonably foreseeable within the context of the Infraco's Proposals or the Employer's Requirements,

in which case such amendment shall be a Client Change. All such amendments shall be made in accordance with Schedule 9 (*Review Procedure*) and shall ensure that the Deliverable shall satisfy the requirements of this Agreement and any Approval Bodies.