

Mandy Wilson

From: Fitchie, Andrew [Andrew.Fitchie@dlapiper.com]
Sent: 17 December 2007 08:41
To: Graeme Bissett; Colin MacKenzie
Cc: Willie.Gallagher@tie.ltd.uk; Stewart McGarrity; Steven Bell; Gill Lindsay; Duncan Fraser; Andrew Holmes; Donald McGougan; david_mackay [REDACTED] Neil Renilson (TEL)
Subject: RE: Full Council Report- Edinburgh Tram Contracts Acceptance
Follow Up Flag: Follow up
Flag Status: Completed

FOISA Exempt - Legal advice

All

1. My comments on the Operating Agreement are included in the commentary in the draft Report which I sent last night. This has been through many rounds now.
2. The concern about referring ,with too much emphasis, in the Report to "continuing negotiation's is that at Preferred Bidder stage the process to contract close needs to happen within set parameters to prevent any impression that evaluation to preferred bidder was not firm. This is fixed by the minor change at para 8.1
3. My comments on Operating Agreement, Report Section 8 and the actual appended resolutions are all included

Any queries or issues (including my handwriting) please call.

kind regards

From: Graeme Bissett [mailto:graeme.bissett [REDACTED]]
Sent: 17 December 2007 08:24
To: 'Colin MacKenzie'
Cc: Willie.Gallagher@tie.ltd.uk; 'Stewart McGarrity'; 'Steven Bell'; 'Gill Lindsay'; 'Duncan Fraser'; Fitchie, Andrew; 'Andrew Holmes'; 'Donald McGougan'; david_mackay [REDACTED] 'Neil Renilson (TEL)'
Subject: RE: Full Council Report- Edinburgh Tram Contracts Acceptance

4.10 - I THINK WE AGREED WE'D USE "REGULAR" NOT MONTHLY, AS THE REPORTING CYCLE IS 4-WEEKLY

5.1 - 4TH BULLET SHOULD REFER TO FBCv1.

8.8 - INDENTATION TO SORT OUT PLUS TYPOS

OTHER POINTS :

Please confirm that the O/A version included is v16 as received from Nick on 13/12.

Andrew Fitchie has some concerns about references in the Report to continuing contractual negotiations and the Interest Tramlines might have in this aspect, having been eliminated from the process. Andrew will articulate.

Andrew will also revert on the consistency of the words on the delegation of power in the report,

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the resolutions and the O/A.

I have referred to concern from the Board members that the requirement in the O/A for the company's remuneration policy to be approved by the TMO is unduly intrusive and the risk that the the board may not approve the requirement in that form.

The other outstanding O/A issues set out in Nick's note of 13 December remain to be resolved and you will appreciate that they are significant to the the Board and of interest to the TEL Board in anticipation of the TEL O/A discussion.

Discuss anytime.

Regards
Graeme

Graeme Bissett

m : +44 [REDACTED]

From: Colin MacKenzie [mailto:Colin.MacKenzie@edinburgh.gov.uk]

Sent: 16 December 2007 21:51

To: Andrew Holmes; Donald McGougan

Cc: Sheena Raeburn; Willie.Gallagher@tie.ltd.uk; Graeme Bissett; Stewart McGarrity; Steven Bell; Gill Lindsay; Duncan Fraser; Duncan Fraser; Rebecca Andrew; Fitchie, Andrew; Colin MacKenzie; Nick Smith; mandy.mcgougan; [REDACTED] tnaitchison; [REDACTED] Jim Grieve

Subject: Full Council Report- Edinburgh Tram Contracts Acceptance

I have made the necessary changes following the conference session this evening with tie and CEC. Additionally I have added the necessary Appendices. The only known omission is the Grant Award Letter which I assume Rebecca has the current version available as a background report.

Notwithstanding the above there are a number of assumed matters which are subject to confirmation by tie which have to be closed out. These include the various third party agreements including NWR, First Scotrail, DLA etc.

Andrew Fitchie is requested to check Appendix 3 Resolutions and confirm with Colin MacKenzie by 8:30am agreement to this draft.

Subject to a final check for formatting errors it is intended to progress with this as the final version. The next step is for the report to be signed by the two Directors and then sent to Committee Services for distribution to the members by lunch time on Monday.

Many thanks to all involved in getting this report over the finishing line!

Duncan Fraser

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