

2008/79

Gill Lindsay

From: Gill Lindsay
Sent: 17 March 2008 22:52
To: Willie Gallagher
Cc: Andrew Fitchie; Andrew Holmes
Subject: RE: Pin Notification

Willie, thanks. Andrew can you please provide details of what is now to be agreed for breach, negligence, is there a cap and what are the details, is there a corresponding commercial position as discussed earlier, and will additional OCIP insurance be taken out and at what level.

Thanks
Gill

-----Original Message-----

From: "Willie Gallagher" <Willie.Gallagher@tie.ltd.uk>
To: "david_mackay@ [REDACTED]" <david_mackay@ [REDACTED]>; "Renilson, Neil" <NRenilson@LothianBuses.co.uk>
Cc: "Andrew Holmes" <Andrew.Holmes@edinburgh.gov.uk>; "Gill.Lindsay@edinburgh.gov.uk" <Gill.Lindsay@edinburgh.gov.uk>; "Donald McGougan" <Donald.McGougan@edinburgh.gov.uk>; "Graeme Bissett (external contact)" <graeme.bissett@ [REDACTED]>; "Fitchie, Andrew" <Andrew.Fitchie@dlapiper.com>; "Steven Bell" <Steven.Bell@tie.ltd.uk>; "Susan Clark" <Susan.Clark@tie.ltd.uk>; "Stewart McGarrity" <Stewart.McGarrity@tie.ltd.uk>; "Geoff Gilbert" <Geoff.Gilbert@tie.ltd.uk>; "Matthew Crosse" <Matthew.Crosse@tie.ltd.uk>; "Jim McEwan" <Jim.McEwan@tie.ltd.uk>
Sent: 17/03/08 20:24
Subject: Pin Notification

We have made satisfactory progress with our negotiations with BBS today on the issue of Third Party Liability. We had a meeting tonight with Andrew and Gill which talked them through the position reached. In essence, BBS now accept liability for Breach of Contract. Rather than have a qualification, we have agreed a Cap which has a potential upside for the project.

We would like to proceed to issue the PIN tomorrow. The plan is to:

- (a) Teleconference with Heath Lambert for Gill to discuss OCIP and understand what OCIP doesn't cover - around 11am
- (b) BBS to confirm in writing a summary of the overall InfraCo deal - to be provided prior to the PIN being released. Verbal confirmation prior to noon.
- (c) Seimens Board approval circa lunch-time, BBS already approved.
- (d) 12noon meeting with CEC - Andrew, Donald & Gill to formally communicate outcome of negotiations and to exchange the DLA letter of support and the tie letter confirming Value for Money. It would be beneficial for Neil and David to attend this meeting as we can then give approval to let the PIN go once the letter from Tom A is received,

Hopefully, once we have the Tom A letter and the BBS written and signed proposal, we will release the PIN.

This timetable means that the earliest we can sign the contracts is Saturday March 29th. If we achieve this, we can draw down the TS money on the 31st as per plan.

Kind regards,

Willie