
From: Alan Coyle
Sent: 22 September 2010 17:19
To: Nick Smith; Dave Anderson; Donald McGougan; Marshall Poulton; Andy Conway; Carol Campbell; Alastair Maclean
Subject: RE:

Surely in this case 80.20 should be tested through DRP.

Alan Coyle | Financial Services | Corporate Finance Team (Edinburgh Trams) | Level 2/6 Waverley Court | 4 East Market St EH8 8BG | alan.coyle@edinburgh.gov.uk |
Phone [REDACTED] Mobile [REDACTED]

From: Nick Smith
Sent: 22 September 2010 17:12
To: Dave Anderson; Donald McGougan; Alan Coyle; Marshall Poulton; Andy Conway; Carol Campbell; Alastair Maclean
Subject: RE:

Richard has also forwarded to me Richard Keen's opinion on clause 80.20. Richard Keen has supported Carol's analysis of 80.20. Whilst it is clearly no magic bullet, it should assist in preventing Infraco from delaying works pending production of an estimate in certain circumstances.

Given Richard's thoughts on viability of Carlisle and the inevitable uncertainties around termination on the basis of Infraco default we may be left in the position of having to "grind on" using the contract and hopefully this may assist.

Kind regards

Nick

Nick Smith
Principal Solicitor
Legal Services Division
City of Edinburgh Council
Level 3, Waverley Court
East Market Street
Edinburgh EH8 8BG

[REDACTED]
Please note that I am not in the office on a Monday

From: Dave Anderson
Sent: 22 September 2010 17:00
To: Nick Smith; Donald McGougan; Alan Coyle; Marshall Poulton; Andy Conway
Subject: RE:

Thanks Nick They have certainly marshalled arguments in their defence that tie will need to consider carefully.
Dave

From: Nick Smith
Sent: 21 September 2010 14:28
To: Dave Anderson; Donald McGougan; Alan Coyle; Marshall Poulton; Andy Conway
Subject:

All

Please see attached.

In short Infracore deny they are in breach and have refuted all the allegations. I'll leave it to the construction experts, Richard Keen and tie to advise on the finer points. tie/DLA's strategy has been to look at every possible breach, but tie will need to identify the strongest arguments and use them.

Kind regards

Nick