
From: Richard Jeffrey [Richard.Jeffrey@tie.ltd.uk]
Sent: 13 October 2010 17:57
To: Alastair Maclean
Cc: Tom Aitchison; Dave Anderson; Donald McGougan
Subject: RE: Trams - BSC letter

Thanks Alastair, and excellent response. I have advised our team that no further response is required from us.

R

From: Debbie Harkness [mailto:Debbie.Harkness@edinburgh.gov.uk] **On Behalf Of** Alastair Maclean
Sent: 13 October 2010 17:20
To: Richard Jeffrey
Cc: Tom Aitchison; Dave Anderson; Donald McGougan
Subject: FW: Trams - BSC letter

FYI

Debbie Harkness | Executive Business Assistant | The City of Edinburgh Council | Corporate Services | Legal & Administrative Services | Waverley Court
Business Centre 3:1, 4 East Market Street, Edinburgh EH8 8BG | [REDACTED] debbie.harkness@edinburgh.gov.uk



SAVE PAPER - Please don't print this e-mail unless absolutely necessary

From: Debbie Harkness **On Behalf Of** Alastair Maclean
Sent: 13 October 2010 17:16
To: Jenny Dawe; Andrew Burns; Steve Burgess; Steve Cardownie; Jeremy Balfour
Cc: Tom Aitchison; Jim Inch; Donald McGougan; Dave Anderson; Gordon Mackenzie
Subject: FW: Trams - BSC letter

Legally privileged, confidential and not for distribution.

You will have received today correspondence from the tram consortium in advance of tomorrow's Council meeting.

In light of the current dispute and the potential mechanisms for resolving that dispute, the consortium is (as would be expected) attempting to protect its position as much as it can.

Extensive legal advice has been sought by tie in relation to all disputed matters. Council officers are also seeking independent legal advice to protect the Council's position as project guarantor.

Whilst it is a matter for tie, I do not consider it to be wise for tie to agree to release the formal adjudication decisions at this time. These decisions are highly complex and need to be read against the full factual background and the full terms of the contract.

In order to protect the best interests of the Council, tie, the project and the public purse, it is imperative that the dispute is resolved by both parties following the appropriate contractual mechanisms. It is also important that nothing is done at the present point in time which could prejudice tie's or the Council's respective positions. Accordingly, I recommend that no response be made to this letter and that no contact be made with BSC (or their representatives) by Councillors. Instead, an appropriate response will be sent by tie as counterparty to the tram contract and also by me on behalf of the Council.

I will be around tomorrow morning so if you have any queries or would like to discuss this further do please let me know. Meanwhile if you could make other members of your groups aware of this position that would be much appreciated.

Kind regards

Alastair

This email and files transmitted with it are confidential and are intended for the sole use of the individual or organisation to whom they are addressed.

If you have received this eMail in error please notify the sender immediately and delete it without using, copying, storing, forwarding or disclosing its contents to any other person.

The Council has endeavoured to scan this eMail message and attachments for computer viruses and will not be liable for any losses incurred by the recipient.

The information transmitted is intended only for the person to whom it is addressed and may contain confidential and/or privileged material. If you are not the intended recipient of this e-mail please notify the sender immediately at the email address above, and then delete it.

E-mails sent to and by our staff are monitored for operational and lawful business purposes including assessing compliance with our company rules and system performance. TIE reserves the right to monitor emails sent to or from addresses under its control.

No liability is accepted for any harm that may be caused to your systems or data by this e-mail. It is the recipient's responsibility to scan this e-mail and any attachments for computer viruses.

Senders and recipients of e-mail should be aware that under Scottish Freedom of Information legislation and the Data Protection legislation these contents may have to be disclosed to third parties in response to a request.

tie Limited registered in Scotland No. SC230949. Registered office - City Chambers, High Street, Edinburgh, EH1 1YT.
