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**From:** Dave Anderson  
**Sent:** 06 November 2010 10:50  
**To:** Alastair Maclean; Donald McGougan  
**Subject:** RE: Legal Timetable

Alastair I'm at an investors' conference early next week and at a Scottish cities meeting on Wednesday. Tram IPG will therefore be the first chance for me to discuss this with Donald and yourself. I would have thought that if there is a genuine problem with the timetable we should either lean heavily on McGrigors given the work they have with us or make a conditional recommendation authorising tie to terminate if required subject to completion of an evidence review by Queen's Counsel. Dave

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**From:** Alastair Maclean  
**Sent:** Fri 05/11/2010 11:31  
**To:** Dave Anderson; Donald McGougan  
**Subject:** Fwd: Legal Timetable

Chaps

Can we discuss?

I know Richard is under pressure and I have some sympathy but this is unhelpful. It was only by sheer luck that we found out about the delay. We cannot allow our turnaround time to be reduced to at best one week!

I would hope that a firm the size of McGrigors could pile resources in but that does not seem to be on the table.

I am going to need one of you guys to go into bat or we have a real issue.

A

Begin forwarded message:

**From:** Richard Jeffrey <[Richard.Jeffrey@tie.ltd.uk](mailto:Richard.Jeffrey@tie.ltd.uk)>  
**Date:** 5 November 2010 11:20:40 GMT  
**To:** Nick Smith <[Nick.Smith@edinburgh.gov.uk](mailto:Nick.Smith@edinburgh.gov.uk)>  
**Cc:** Alastair Maclean <[Alastair.Maclean@edinburgh.gov.uk](mailto:Alastair.Maclean@edinburgh.gov.uk)>, Dave Anderson <[Dave.Anderson@edinburgh.gov.uk](mailto:Dave.Anderson@edinburgh.gov.uk)>, Donald McGougan <[Donald.McGougan@edinburgh.gov.uk](mailto:Donald.McGougan@edinburgh.gov.uk)>, Carol Campbell <[Carol.Campbell@edinburgh.gov.uk](mailto:Carol.Campbell@edinburgh.gov.uk)>  
**Subject:** RE: Legal Timetable

Nick, you will get the report as soon as it is ready. The team here, including McGrigors, are doing everything possible to get this done as quickly as possible. If you have any practical suggestions, or indeed if you would like to help yourself, that would be appreciated. We have constantly advised that working to artificial deadlines can compromise the city's position. I am sure that you and everyone at the Council will also pull out all the stops to make sure that everyone does what they can to meet the deadlines imposed by the Council.

Thanks in anticipation of your help.

R

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**From:** Nick Smith [mailto:Nick.Smith@edinburgh.gov.uk]  
**Sent:** 05 November 2010 10:19  
**To:** Richard Jeffrey  
**Cc:** Alastair Maclean; Dave Anderson; Donald McGougan; Carol Campbell  
**Subject:** Legal Timetable

Richard

Following discussions between Alastair and Donald yesterday, I have been asked to advise you that CEC will need a final report from McGrigors and accompanying Opinion from Richard Keen **by not later than 5pm on Thursday 25 November**.

As you know we had been working towards a date of 19 November as set out in Carol's timetable of 6 October. However, you advised yesterday that tie and McGrigors are now working towards 30 November for this work. Whilst we appreciate that there is a significant amount of work to do, unfortunately extending the deadline by 11 days will make it impossible for CEC to obtain their independent legal opinion prior to publication of the report on 9 December. tie's advice will have to be reviewed by CEC Counsel, an Opinion given and the report then finalised with the recommendation of CEC officers to the Council.

Whilst we understand additional pressure in getting McGrigors fully up to speed on the termination issues, but given their previous involvement on some aspects of the contract, it should be possible for them to achieve this within the next three weeks. We fully appreciate that they will likely have to employ significant extra resource to achieve this, but I understand that Donald and Alastair consider this to be vital to achieve the 16 December deadline.

Kind regards

Nick

Nick Smith  
Principal Solicitor - Commercial, Procurement & Finance  
Legal Services Division  
City of Edinburgh Council

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Edinburgh EH8 8BG

(t) [REDACTED]

*Please note that I am not in the office on a Monday*

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