
From: Nick Smith
Sent: 16 March 2010 11:54
To: Alastair Maclean
Subject: FW: TPB

FYI

See Dave's comments on the letter which Tom has sent to you.

Nick

From: Alan Coyle
Sent: 12 March 2010 14:02
To: Nick Smith; Ailie Wilson
Subject: FW: TPB

Good plug from Dave for under performance notices.

Regards

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From: Donna Rodger
Sent: 12 March 2010 10:38
To: Alan Coyle
Subject: FW: TPB

From: Dave Anderson
Sent: 09 March 2010 18:00
To: Richard Jeffrey; [david_mackay@\[REDACTED\]](mailto:david_mackay@[REDACTED])
Cc: David Mackay; Donald McGougan
Subject: TPB

Richard As promised, my thoughts on the Pitchfork report and recent correspondence from BB.

On Pitchfork, the Exec summary covers the issues well. I felt it was a little too long winded and legalistic in places: it would be benefit from some editing, including more use of bullet points etc to summarise the issues and options more succinctly. However, I am more than happy to endorse the direction of travel and the action plan.

With regard to the tie counter proposal to the BB OSSA proposal for Shandwick Place etc the key to making this work will be a tighter supervisory regime than we had on Princes Street, ensuring that full road depth reconstruction is only carried out, where essential, and that resources are deployed as efficiently as possible. I would be happy to discuss how we might help you with the monitoring and supervisory regime that will need to be in place if such an approach is agreed.

Turning to the BB correspondence the tone of Kenneth Reid's letter is encouraging and it is exceptionally well crafted, in terms of stating their case. However, I am not willing to assume that this leopard has changed its spots. I think we need to press to expert determination on the issues where we have a stateable case especially on clause 80.13. We also ought to consider the use, at an appropriate time, of the under performance clause given that McGrigors have endorsed the D&W view that this is a contractual tool at our disposal.

The letter from Richard Walker is verbose, contains factual inaccuracies, is a naked and warped post hoc rationalisation of the project's history, and clearly continues the bluff and bluster that we have experienced to date. I hope that Mr Reid's approach signals a change of attitude but I believe that the correct path ahead is to keep the pressure on BB, seek to elevate the key issues to expert determination, and only once we genuinely sense a willingness to engage accompanied by new behaviours and a credible programme, consider the use of a tightly defined and controlled OSSA. I hope this is helpful. Good luck for the TPB. I'll contact you on my return from London to discuss next steps. Best regards. Dave

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