
From: Gill Lindsay
Sent: 18 January 2010 12:12
To: Nick Smith
Subject: RE: Planning

Nick
Thank you and Happy New Year.
Can we be clear on what we are being asked to secure commercially/legally and what Tie's programme is please.
Can we have a pre meeting with Alan before FCL to ensure we are and can drive what we need from this and within what timescale please. Can you give me a call around mid pm if this suits.
Thanks.
Gill

From: Nick Smith
Sent: 14 January 2010 08:55
To: Gill Lindsay
Subject: FW: Planning

Gill

FYI. I understand from Alan that at TPB yesterday Richard advised that the agreed timetable is not going to be progressed until mid-march now. This does not bode well.

Kind regards

Nick

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

From: Nick Smith
Sent: 13 January 2010 15:17
To: 'Richard Jeffrey'; Stewart McGarrity; Donald McGougan; Dave Anderson
Cc: Alan Coyle
Subject: RE: Planning

Thanks Richard

Happy to address via FCL. Just wanted to ensure that we would have all the relevant info concurrent with the present negotiations.

Kind regards

Nick

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From: Richard Jeffrey [mailto:Richard.Jeffrey@tie.ltd.uk]
Sent: 13 January 2010 14:48
To: Nick Smith; Stewart McGarrity; Donald McGougan; Dave Anderson
Cc: Alan Coyle
Subject: RE: Planning

Nick,

Following today's board meeting the team at TIE have been tasked with an intensive piece of work over the next 8 weeks looking at a whole range of issues which will include all those listed below. I would expect the FCL committee to be closely involved with the progress of this work and would suggest therefore that we do not start DLA on whole range of activities which will cut across those that we are already planning to undertake.

Perhaps this will all become clearer at the next FCL and we should discuss it then.

Regards

Richard

From: Nick Smith [mailto:Nick.Smith@edinburgh.gov.uk]
Sent: 13 January 2010 10:30
To: Stewart McGarrity
Cc: Richard Jeffrey; Alan Coyle
Subject: Planning

Stewart

Further to a meeting with Donald last night we are keen to get DLA to provide advice on the following scenarios asap :

- Assuming that no suitable agreement can be reached with BSC, what are the contractual implications of serving a negative change order to restrict BB's civils work to only Haymarket to the Airport (or indeed any other negative scope change). Would this have procurement challenge implications?
- Would it be possible to separate out the procured contracts again so that CAF's contract would not need terminated?
- Assuming it is possible to put in a negative change order then tie would still need to have the rest of the works completed. What scope is there in keeping Siemens on either under the existing contract or under a fresh procurement (on the basis that they may be the only compatible provider)?
- Under the existing contract, if BB were somehow persuaded to exit could Siemens take over the role of civils contractor without needing to re-procure? Indeed, could tie take over this role? Would these options have other procurement or other implications.

Please note that we are only looking at the legals here, rather than the financial implications (which I know Alan is looking at separately). I am aware from previous notes that the best option would be some form of negotiated exit. There may also be more permutations than those set out above.

Can you please instruct DLA to advise on the above as soon as possible.

Kind regards

Nick

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