

Privileged and confidential – prepared in contemplation of litigation FOISA exempt

Peer Group Meeting

File Note

4th March 2010

Attendees:

Mike Heath, Andy Sloan

Richard Jeffrey, Steven Bell, Stewart McGarrity, Andrew Fitchie, Susan Clark

The Peer Group were asked to provide tie with the following:

- Challenge on the recommendation to TPB and identify any fatal flaws
- Views on where efforts should be concentrated
- · Feedback on the structure and presentation of the report

The key messages were as follows:

- 1. The report needs to underline **tie**'s underlying strengths and weaknesses it is light on weaknesses and present and so is unbalanced
- 2. As part of the above it needs to be stronger on an objective measure of the state of design and utilities when BSC came on board
- 3. Programme this may be one of the weakest areas for tie but it should also be turned to our advantage as follows:
 - We should stress that the delay time (which is to tie's account due to MUDFA delays) has been used effectively to challenge and drive down the value of Estimates by BSC
 - We should think about raising a DRP in relation to BSC's failure to mitigate
- Not enough weight given to BSC's failure to progress works could be covered by the DRP on mitigation
- Best value need to remind audience that best value was achieved through the procurement process but subsequently by tie challenging BSC's high Estimates and driving the values down
- 6. The issue of BSC's unreasonable Estimates needs to be stronger in the report and the success of tie's challenge documented.
- 7. Document needs to look forward what are we recommending, why, how are we going to deliver it, what are the risks and how are we going to manage them, what does success look like?
- 8. We mention SDS but don't say what we are going to do about them needs to be considered carefully
- 9. All the background information on BB and the picture it paints contradicts the recommendation made it should be removed or edited.
- 10. Effort should be focussed now:
 - > DRP's need to focus on what will now earn us best value Clause 80
 - Submission of unreasonable Estimates
 - > Sorting and EOT award to get utility delays out the way and stop it being a distraction