
From: Julie Thompson [Julie.Thompson@tie.ltd.uk]
Sent: 20 February 2009 10:02
To: Jenny Dawe; Tom Aitchison; Dave Anderson; Donald McGougan; Marshall Poulton; Phil Wheeler
Subject: InfraCo - email traffic - sent on behalf of David Mackay

All

Further to my telephone call to you earlier this morning, this is the response which is about to be despatched to the InfraCo.

As ever, thank you very much for your solid support.

Regards

David

I refer to your response email yesterday evening 19 February 2009. Your response to my questions in relation to Princes St is typically overlaid with extraneous comments and bold statements of Infraco's position which are not backed up in any reference to the terms of the Contract. Further, at the required time of the response, we had heard nothing from you at all.

Our letter of the 19th was clear in the position stated and the questions asked. Your response is not what was required and is not acceptable; with explanation (again) you have repeated that you are not obligated to begin any works on Princes St, either pursuant to your agreement to do so or under the instructions given. Your proposal to do so in an extra-contractual basis is not acceptable.

The Contract contains the agreed allocation of risks and management responsibilities in relation to all of the works including change works. We must have clarity that this is being undertaken under the Contract and we have to see withdrawal of your previous statement that tie must accept all risks associated with works on Princes St. tie is not the contractor and is not in a position to manage those risks some of which will be essential to health and safety of the public, as well as to site operatives and security of the works.

This clarity has to be achieved today at the first meeting under the DRP this morning, and you must be ready now at the second time of asking, to confirm that Infraco will meet its contractual obligations.

In the meantime, we have no choice but to require that your work on Princes St shall be limited to completion of the enabling works, traffic management diversions and provision and maintenance of the previously specified access fencing and necessary security arrangements at the site.

Julie Thompson
PA to Chairman

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