
From: Marshall Poulton
Sent: 06 March 2009 16:22
To: Tom Aitchison; Dave Anderson
Subject: FW: BB meeting minister next Wednesday - PRIVATE & CONFIDENTIAL

Importance: High

Tom/Dave

FOR ATTENTION

Stewart McGarrity copied me in this e-mail he sent to Transport Scotland to forewarn of the risks posed by Richard Walker meeting the Minister next Wednesday. I tend to agree with his assessment of the risks.

Best regards

Marshall

From: Stewart McGarrity [<mailto:Stewart.McGarrity@tie.ltd.uk>]
Sent: 06 March 2009 14:01
To: John.Ramsay@transportscotland.gsi.gov.uk; Bill Reeve (bill.reeve@transportscotland.gsi.gov.uk);
'Jerry.Morrissey@transportscotland.gsi.gov.uk'
Cc: David Mackay; Donald McGougan; Marshall Poulton; Steven Bell; Jim McEwan; 'Fitchie, Andrew'; Graeme Bissett (external contact)
Subject: BB meeting minister next Wednesday - PRIVATE & CONFIDENTIAL

PRIVATE & CONFIDENTIAL

John/Bill/Jerry,

Following up a conversation I had with John earlier on today and my speculation that the existence of the meeting between Stewart Stevenson and Richard Walker may be encouraging Bilfinger to procrastinate and delay the implementation of new 'framework management' accord proposed to them by their own consortium partner Siemens. If successful we have reason to believe this would represent a cessation of further hostilities in the dispute process, constructive engagement on resolving all disputes and delivering an updated programme and commercial agreement and provides for immediate working on Princes St and minimal further damage to our programme.

We at **tie** believe the meeting between the Minister and Richard Walker is inadvisable on many levels, the overarching reasons being:

Real risk of compromise to commercial position and negotiations:

- BB seeking to extract statements from Minister which could be used to prejudice the resolution of a dispute of a future legal action – the Minister would of course be alive to that game.
- Inadvertently giving rise to expectations on the part of the contractor in relation to limits on the availability of funds or maybe a “you don't have enough money” attack on CEC.
- Direct engagement with Ministers can be manipulated by the contractor in any way they can to drive a wedge between the various public sector stakeholders any real or perceived lack of cohesion.
- It may also set an unfortunate precedent for private sector attack on Scotland plc through inappropriate political engagement.

It's undoubtedly encouraging them to delay proper engagement and resolution with us

- They have seen several MSPs and now look forward to seeing a Minister who holds the purse strings for the project. Their PR people will be telling them to be encouraged by this and could be a reason why they have

not engaged in the framework management meeting which was proposed for today as suggested by Siemens. **Every day costs the public money.**

- Where does it stop? – there are long lists of politicians and other groups they are pressing to engage with and until they are told to get back to dealing with CEC and **tie** it is leaving a trail of misinformation and uncertainty.

The above is a distillation of the **DANGER** warnings being voiced by our legal advisors and my colleagues. We believe this warrants further discussion as soon as possible.

Regards,

Stewart

Stewart McGarrity
Finance Director
tie Limited
Mobile [REDACTED]

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