

---

**From:** Colin MacKenzie [Colin.MacKenzie@edinburgh.gov.uk]  
**Sent:** 28 November 2007 11:38  
**To:** Fitzgerald, Sharon  
**Cc:** Alan Squair; Nick Smith  
**Subject:** TRAM: REPORT TO COUNCIL

Sharon,

I have been directed by the Council Solicitor to contact you regarding continuing support to her in respect of the Tram Project.

The Legal Affairs Committee of **tie** on Monday noted that DLA would report to the Council independently of Andrew Fitchie, who would be acting in his **tie** Contracts Director role. Following that meeting the Council Solicitor has instructed me to ensure we have DLA's advice on the contract terms being negotiated, leading up to the Council report of 20 December.

I believe that the formal relationship between the Council and DLA was a matter dealt with by Gill Lindsay and Andrew Fitchie. I therefore presume that you are happy to continue that relationship for the purposes of providing advice to the Council Solicitor in relation to the following matters.

1. On the basis that DLA have, I am advised, effectively been acting for the Council throughout this project, the Council Solicitor wishes confirmation from DLA that it is appropriate for the Council to approve the contract awards by **tie** to BBS and to CAT respectively.
2. DLA to advise on any significant movement of risks in these contracts between appointment of Preferred Bidder and 13 December, being the date that the report to Council is finalised and then circulated to elected members.
3. DLA to advise of any unusual conditions or risks and the impact they may have upon the Council given that this authority will be guaranteeing **tie's** obligations under contract to BBS.
4. I appreciate contractual negotiations between **tie** and BBS are moving on a daily basis, but can you please let us know if there are any significant issues which you think the Council should be made aware of to allow us to take appropriate instructions from our client departments.

I am out of the office on Thursday and Friday and would appreciate a preliminary response to the above before close of business today. Please telephone me should you wish.

Kind regards,

Colin MacKenzie  
for Council Solicitor  
City Chambers  
Edinburgh

Telephone [REDACTED]

\*\*\*\*\*

This email and files transmitted with it are confidential and are intended for the sole use of the individual or organisation to whom they are addressed.

If you have received this eMail in error please notify the sender immediately and delete it without using, copying, storing, forwarding or disclosing its contents to any other person.

The Council has endeavoured to scan this eMail message and attachments for computer viruses and will not be liable for any losses incurred by the recipient.

\*\*\*\*\*

