
From: Chandler, Jason <ChandlerJ@pbworld.com>
Sent: 08 March 2011 23:46
To: Kevin Russell - BB Civil UK; Martin Foerder - BB Civil UK
Subject: Additional information requested from tie during today's mediation discussions
Attachments: SDS Item 5 Design Changes as a result of Misalignment Changes - 20110308.pdf; SDS Item 1 - ATRs Analysis - 20110308.pdf; SDS Item 2 BSC Instructed SDS Change Included in Phoenix - 20110308.pdf; SDS Item 3 Disruption Claim Detail - 20110308.pdf; SDS Item 3 Evidence of Disruption - 20110308.pdf; SDS Item 4 Mediation Incentivisation Application_ - 20110308.pdf; SDS Item 4 Mediation Incentivisation Letter - 20110308.pdf

Martin and Kevin,

Attached are the responses to the additional information requested from tie during today's mediation discussions.

Item 1 - This is a schedule of the ATRs that is included in Project Phoenix. The schedule identifies which ATRs are payable by tie and which are payable by BSC.

One point is that we understand that tie have only paid BSC £45,000 up to Payment Application 42 which up to and including 28 January 2011. There is £17,168.50 which has been paid to account by BSC.

The only other issue that should not be considered to the client account that is included in Project Phoenix Pricing is the £532k of Change Instructed by BSC to SDS that is not tie change and is detailed in the response to Item 2 of the list.

Item 2 - Changes Instructed by BSC to SDS that are not tie change as reported in Project Phoenix - see attachment

Item 3 - Roads Disruption claim presentation - see attached

In addition to the roads disruption delays a significant example of delay/frustration to the completion of the design relates to the finalisation of eth tramstops.

Preliminary designs were submitted for all tramstops on the route on 30 June 2006. This took into consideration the core requirement specified by tie through the issue of documents such as the Tram Design Manual, the Employer's Requirements and the information offered to SDS in the development of the designs between commencement of Preliminary Design and the issue of the deliverables. This included discussions with CEC through consultation and review. In an attempt to pre-empt delays during eth development of the detailed design and recognising that tramstops are particularly important features on the route SDS also developed Detailed Designs for generic tramstops which were also submitted on 30 June 2006.

The locations of the tramstops were considered to be fixed at the time of commencement of the SDS design. At the commencement of the detailed design CEC decided that some of the locations of Tramstops should be revised. The Charette process that took place in the second half of 2006 reviewed the locations of Foot of the Walk, Princes Street and Shandwick Place Tramstops. This induced a significant delay to the development of the detailed tramstops designs and the relocation of the two of the tramstops.

The finalisation of the detailed designs for tramstops has been the subject of considerable frustration. Despite 5 years of design and consultation with tie and CEC resulting in several iterations of design for most tramstops, SDS are still unable to secure the finalisation of the designs and the discharge of Informatives. Outstanding core information still exists in the form of branding, ticket validators and ticket vending machine selection. This prevents SDS from finalising the Planning and Technical submissions and effectively closing the designs. Branding impacts on the litter bins, handrails, signs, shelter Information boards, glazing (frosting and type), perch seating and stop name indicators.

Finalisation of technical packages is impacted in due to confirmation of duct locations to validators and ticket vending machines and the preparation of the associated foundation designs for the fixed equipment.

A significant effort has also been expended in the recent several months in revisiting the tramstops designs in a workshop environment with tie and CEC. Despite this SDS still await confirmation of tie and CEC requirements for the tramstop equipment.

Numerous iterations of the drawings can be supplied for most of the tramstops.

Of particular importance is the changes associated with the Airport Tramstop. The change to include the kiosk and canopy significantly impacted on the design, altering the alignment of the Gogarburn retaining wall, introducing design works (and Construction) outside of the Limits of Deviation and as a result the requirement for a Full Planning Application and Building Warrant. Tie Design Change orders have been issued in relation to this change but the change in requirements at such a late stage in the development of the design resulted in significant delay to the subsection completion. SDS still await finalisation of the tie requirements for this tramstop for the canopy works and this remains a delaying factor in the completion of the design.

Numerous drawings can be provided throughout the design process to reinforce the SDS position that significant delay has occurred to the completion of the tramstop designs over a significant period of time. This could have been avoided if decisions had been made at an earlier stage of the scheme.

Item 4 - Incentivisation.- See attached letter and Application issued to tie in October 2010.

Item 5 - This is a schedule of the Changes that have arisen as a result of the Misalignment Workshops post Novation. This process is detailed in Clause 4.7 of the Novation Agreement, the conclusion of which is the issue of a Mandatory tie Change under the Infraco Contract and a Client Change under the SDS Agreement.

A summary of the Change is provided on the Table and the full detail of the changes were provided in the relevant Change Notifications and Change Orders scheduled issued to tie. These costs have all been included within the Project Phoenix Price.

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