

Off street issues: RRRW, Gogarburn Bridge, Carrickknowe
Bridge, and Depot

TIE LIMITED

POSITION PAPER

relating to

the agreement between **tie** Limited

and

Bilfinger Berger (UK) Limited / Siemens plc / Construcciones y Auxiliar de Ferrocarriles consortium

in connection with the works authorised by the

Edinburgh Tram (Line One) Act 2006 and the Edinburgh Tram (Line Two) Act 2006

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1. INTRODUCTION

- 1.1 At the following structures Russell Road Retaining Wall, Carrickknowe Bridge, Gogarburn Bridge and Gogar Depot, tie and BSC have been in detailed discussions re the changes that have occurred within the design and the valuation of the change

2. THE DISPUTE

2.1 Russell Road

- Limit of LOD
- Change in pile shape and number of piles

2.2 Carrickknowe

- Normal design and development issues within the structure

2.3 Gogarburn

- Design and Development issues
- Additional piling works

2.4 Depot

- Design and Development issues
- Base Date Design issues

3. TIE'S POSITION ON THE DISPUTE

- 3.1 At all of the above structures tie believe the works to be normal Design and Development. However, BSC claim it is a change outwith Design and Development because they are changes from Base Date Design to IFC.

- 3.2 In both principal and valuation tie has sought to close the differential gap and as submitted proposals to BSC for their consideration, Appendix A.

4. REQUIRED OBJECTIVES OF REFERRAL OF THE DISPUTE TO THE INTERNAL RESOLUTION PROCEDURE

- 4.1 To commence works and provide contract interpretation of normal Design and Development.

5. TIE'S FURTHER COMMENTS ON AND UNDERSTANDING OF INFRACO'S POSITION ON THE DISPUTE

- 5.1 BSC's position is all changes in Design are changes that require to be instructed through the change process.

5.2 BSC's position is that they do not have to inform ~~tie~~ why the change has taken place.

6. LIST OF SUPPORTING DOCUMENTATION

6.1 BDDI IFC Table of Deliverables 20090612 -- Appendix A

BSC / tie Summary of actions from Meetings 10 & 11 June 2009

INTC	Description	Estimated Value BSC Excluding % Uplifts	Estimated Value Tie Excluding % Uplifts	Variance tie-BSC	BSC Comments	Action / Owner	Action to be taken	tie's Comments
	142 Reseal Road Retaining Wall	£1,227,242.26	£783,227.69	£444,014.56	Excluding any Contamination or Temporary Works	tie		
	Contaminated Material TESTING	£60,000.00	£0.00	£60,000.00	tie not issuing TCO due to minor differences in 3 sub-Contractor quotes and not asking BSC what testing BSC need to undertake	tie	tie to issue TCO	tie Change Order issued
	Contaminated Material				Change - tie accept principle of contamination, Estimate to be revised and agreed following SWWorks	tie	to be assessed on actual contamination and quantities	tie TBA
	Access / LOD	£117,332.17	£0.00	£117,332.17	Base Data Design Assumptions show different LOD and BSC's position is that the Fender & method of construction considered tie and available as shown on the BDD drawings.	tie		BSC's responsibility
	Summary - I- Shaped Sections	£1,064,409.05	£592,650.48	£471,758.56	design principle Change - tie accept principle	tie	tie to review rates from adjacent section B21 for 900mm dia piles and pro rata	Please see attached spreadsheet - tie's proposal is £740k
	Summary - Additional Piles (per section) and length	£362,903.41	£253,976.96	£108,926.45	design principle Change - tie accept principle	tie	tie to review rates from adjacent section B21 for 900mm dia piles and pro rata	tie's proposal is £293,976k
	112 Concrete Bridge	£238,808.22	£57,287.79	£181,520.43				
		Approx Values						
	Abutment Galleries	£88,000.00	£50,732.21	£37,267.79	shape & form Change, also 3rd Party (DEC) Change - Abutment Galleries and associated structure differences	tie	Tie to review rates and overall impact	tie's proposal is £88k
	Drainage Items 005 to 007a	£17,000.00	£0.00	£17,000.00	shape & form Change - Increase and new drainage due to changes in abutment structures	tie	Tie to review rates and overall impact	BSC's responsibility
	Concrete Precast Beams	£14,000.00	£0.00	£14,000.00	BSC have reviewed and agree with tie that no change to this element	tie	NO ACTION	
	Containment Parapets	£2,500.00	£0.00	£2,500.00	Credit to tie	tie	Tie to review rates and overall impact	No action
	Walkways and footpaths	£250.00	£0.00	£250.00	Credit to tie	tie	Tie to review rates and overall impact	No action
	sheet piling due to abutment bases	£58,000.00	£0.00	£58,000.00	shape & form Change - Sheet piling along railway line to allow excavation of unacceptable material	tie	Tie to review rates and overall impact	BSC's responsibility
	ACC drainage channel to tank	£8,000.00	£0.00	£8,000.00	abutment base shape & form Change - No drainage channel shown on BDD	tie	Tie to review rates and overall impact	tie's proposal £8k
	Precast Concrete trough with lit others (Approx)	£18,000.00 £38,159.22	£0.00 £0.00	£18,000.00 £38,159.22	design principle Change - No Precast Concrete trough with lit shown on BDD other minor items	tie	Tie to review rates and overall impact	tie's proposal £18k BSC's responsibility
	113 Separation Bridge	£32,636.19	£0.00	£32,636.19				
		Approx Values						
	Piling	£80,000.00	£0.00	£80,000.00	design principle Change - No piling shown at BDD	tie		tie's proposal is £80k
	Geogrid	£40,000.00	£0.00	£40,000.00	specification Change - Changes from 55 RE & 80 RE to 120 RE	tie		BSC's responsibility
	Precast Parapets (Prev Sum)	£60,000.00	£0.00	£60,000.00	design principle & specification Change - Precast Parapets more expensive than cast in situ	tie		BSC's responsibility
	Concrete mass leveling strips	£14,000.00	£0.00	£14,000.00	design principle Change - granular fill to mass concrete leveling strips	tie		BSC's responsibility
	Cementitious Subbase approach to run on slabs	£20,000.00	£0.00	£20,000.00	design principle Change - concrete reinsurance	tie		BSC's responsibility
	Service Everts	£13,000.00	£0.00	£13,000.00	specification Change	tie		BSC's responsibility
	others (Approx)	£5,846.19	£0.00	£5,846.19	other minor items	tie		BSC's responsibility
	166 Canal Beams	£3,742,422.16	£0.00	£3,742,422.16				

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BSC / tie Summary of actions from Meetings 10 & 11 June 2009

INTC	Description	Estimated Value BSC Excluding % Uplifts	Estimated Value Tie Excluding % Uplifts	Variance tie-BSC	BSC Comments	Action / Owner	Action to be taken	tie's Comments
	Structure Change (permanent works)	£989,721.18	£0.00	-£989,721.18	shape & form Change - structure moved 2.7m deeper excavation, ret block wall etc	tie	tie accept in principle & reviewing amount.	tie/BSC TBA
	Temporary Works Change	£1,757,771.00	£0.00	-£1,757,771.00	shape & form Change - Sheet piling now required due to design changes	tie	tie accept in principle & reviewing amount. Meeting with Network Rail/tie/BSC to be convened to optimize temporary design (economical solution)	tie/BSC TBA
	208 Retaining Wall	£76,258.21	£0.00	-£76,258.21	No agreement on Change	tie / BSC	BSC's position is that if its Accommodation Works and needs instruction - tie disagree	BSC's responsibility
	209 Retaining Wall							
	Design Estimate only for Additional Retaining Wall	£12,929.00	£0.00	-£12,929.00	tie agree in principle, no TCO issued	tie	tie to issue TCO	tie instruction issued for £12k
	Construction Estimate (BDDI to IPC) to be submitted				No agreement yet			tie/BSC
	Proposing Estimate to be submitted				No agreement yet			tie/BSC
	Cyclic provision to be agreed in Principle	£6,500.00	£0.00	-£6,500.00	No agreement yet			tie/BSC
	212 Section 2 - Road Drainage Change				Estimate to be submitted and will be in the order of 500k. BSC still to raise and provide Estimate to tie	BSC		tie/BSC
	Section 2 - Track Drainage Change					BSC		tie/BSC
	203 Delay	£276,080.71	£0.00	-£276,080.71				
203A	Foundations	£8,256.33	£0.00	-£8,256.33	shape, form & specification Change - tie accept a change to certain elements due to steelwork changes	tie	tie reviewing amount	tie's proposal is £8.3k
203B	Structural Steelwork	£216,471.47	£0.00	-£216,471.47	shape, form & specification Change - tie accept a change to certain elements	tie	tie reviewing amount BSC to review additional drawings provided by tie, tie reviewing amount based on duplicate "different" drawings	tie's proposal is £216,471k
203C	Hard Landscaping	£158,139.58	£0.00	-£158,139.58	shape, form & specification Change - tie accept a change to certain elements	BSC/tie		tie/BSC TBC
203D	Substation Building	£15,375.79	£0.00	-£15,375.79	shape, form & specification Change - tie believe that BSC should have made allowance at BDDI. Tie provided a separate BDDI drawing showing troughs in slab	BSC	BSC to review additional drawing provided by tie	BSC's responsibility
203E	New Chamber	£109,931.27	£0.00	-£109,931.27	shape, form & specification Change - tie believe that BSC should have made allowance at BDDI	BSC	BSC to review additional drawings provided by tie	BSC's responsibility
203F	Soil Nailing and Soil Reinforcement Works	£342,909.26	£0.00	-£342,909.26	design principle Change - no soil nailing at BDDI (whole deposit moved north)	tie	tie review overall future requirement to eliminate soil nailing	Remove.
	204 Uncongress							
	North Side Utilities Diversion				Agreed except for the support of the utilities which was assumed not to be required. The support is now required and BSC to provide an estimate for this work. BT and Gas Lines are being diverted under the MUDFA contract.	BSC/tie	tie to review and issue revised TCO to deal with support	tie/BSC
	South Side Utilities Diversion					Note	Not BSC Scope of Work	tie/BSC
	BT Utilities Diversion (road reserve) enclosed 6 and 12 par cables				No estimate provided yet. design principle Change - similar to RRRW	BSC		tie/BSC
	Plus BDDI to IPC length increased - Estimate to be provided					BSC		tie/BSC
SUMMARY		£8,798,640.06	£850,895.19	-£4,947,744.86				

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