

Hilton Hotel Car Park

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 Infraco has notified of a tie Change in respect of the works to the car park at the Hilton Hotel (formerly Stakis). Tie has confirmed that it does not accept that this work is a change

2. THE DISPUTE

2.1 Several meetings have been held at various levels to exchange positions on this matter but no agreement has been reached.

3. TIE'S POSITION ON THE DISPUTE

3.1 Tie's position is as set out in the attached detailed position paper. In essence tie consider that there is no change since the Hilton Car Park Works are part of the contract workscope by virtue of:

3.2 The work is on the BDDI drawings

3.3 There is a programme allowance for the work

3.4 The work is an obligation as part of the Third Party obligations under the Contract

3.5 The Third Part Agreement with Stakis includes this work to be done and attaches a sketch

3.6 There is a Schedule of Rates price for the Stakis works

3.7 The contract has a definition of Accommodation Works and Accommodation Works Changes and only the changes require an instruction from tie.

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

4.1 Infracos position is that all Accommodation Works are additional to contract due to the definition and the Provisional Sum is to cover all Accommodation Works.

4.2 Ties position is that only tie instructed Accommodation works would constitute a tie change and a draw down on the Provisional Sum. The Provisional Sum is for works so instructed under Clause 83 Accommodation Works Changes. Why would there need to be a definition of Accomodation Works Change and separate Change mechanism for Accommodation Works if all Accommodation Works were to be additional to contract.

5. LIST OF SUPPORTING DOCUMENTATION

5.1 Detailed Position Paper

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