
From: Geoff Gilbert [Geoff.Gilbert@tie.ltd.uk]
Sent: 06 May 2008 14:31
To: Graeme Bissett; Steven Bell; Willie Gallagher; Stewart McGarrity; david_mackay@[REDACTED] Fitchie, Andrew
Subject: RE: ETN - proposal

Graeme

This was dealt with in the exchange of EMails setting out the current position at the time, and so is in writing. The statement on the schedule that they confirmed was "If Phase 1b does not proceed then there will be no adjustment to the price for 1a". There is nothing from BBS stating that the transfer of the £3.2m was contingent on 1b proceeding. We specifically negotiated away from this being conditional for the obvious reasons.

Regards

Geoff

From: Graeme Bissett [mailto:graeme.bissett@[REDACTED]]
Sent: Tue 06/05/2008 12:57
To: Geoff Gilbert; Steven Bell; Willie Gallagher; Stewart McGarrity; david_mackay@[REDACTED] 'Fitchie, Andrew'
Subject: RE: ETN - proposal

Do we have in writing from BB that they accepted this was wholly contingent on 1B proceeding, with no indication from tie that we might take a view on the matter if 1B were not to continue.

Regards

Graeme

Graeme Bissett

m : [REDACTED]

From: Geoff Gilbert [mailto:Geoff.Gilbert@tie.ltd.uk]
Sent: 06 May 2008 12:50
To: Steven Bell; Willie Gallagher; Graeme Bissett (external contact); Stewart McGarrity; david_mackay@[REDACTED]; Fitchie, Andrew
Subject: RE: ETN - proposal

Steven

I agree with your view. Other than the suggestion I made last week in terms of a conditional bonus at the end of 1a I think its difficult to justify.

Regards

Geoff

From: Steven Bell
Sent: Mon 05/05/2008 21:54
To: Willie Gallagher; Graeme Bissett (external contact); Stewart McGarrity; Steven Bell; david_mackay@[REDACTED]

Geoff Gilbert; Fitchie, Andrew
Subject: RE: ETN - proposal

I think it is difficult to fully justify this objectively.

Looked at from the outside, BBS took a conscious commercial decision to move the prelim price to improve their 1a offering and that enhanced their attractive position during the final evaluation.

If that difference is less than the final delta to tramlines, we may be able to satisfy ourselves there is no procurement issue. I want to discuss this with Geoff + Andrew tomorrow.

With regards to the 3.3 or 4.7, I suppose we could consider the BBS proposal as a demobilisation or termination cost in the event that 1b does not proceed. I will think through what we would need to explicitly receive for such a concession / interpretation. We can discuss at 08.30 tomorrow.

Will keep thinking about it tonight.

Steven Bell
Edinburgh Tram Project Director

tie Ltd
65 Citypoint
Haymarket Terrace
Edinburgh
EH12 5BD

T: [REDACTED]
M: [REDACTED]

Sent from my mobile handset

-----Original Message-----

From: Willie Gallagher <Willie.Gallagher@tie.ltd.uk>

Sent: 05 May 2008 21:09

To: Graeme Bissett (external contact) <graeme.bissett@[REDACTED]>; Stewart McGarrity <Stewart.McGarrity@tie.ltd.uk>; Steven Bell <Steven.Bell@tie.ltd.uk>; david_mackay@[REDACTED] <david_mackay@[REDACTED]>; Geoff Gilbert <Geoff.Gilbert@tie.ltd.uk>; Fitchie, Andrew <Andrew.Fitchie@dlapiper.com>

Subject: FW: ETN - proposal

Views please.

-----Original Message-----

From: Joachim Enenkel [<mailto:Joachim.Enenkel@bilfinger.de>]

Sent: 05 May 2008 21:08

To: Willie Gallagher

Subject: ETN - proposal

Dear Willie,

Following our discussions this afternoon please find the following:

In respect of the money transferred at Preferred Bidder Stage from 'Phase 1a Preliminaries' into 'Phase 1b Price' TIE confirms that in the event Phase 1b does not proceed, TIE guarantees that the Bilfinger Berger share of 3.3 Mio GBP will be paid directly to Bilfinger Berger under the contract for Phase 1a. However it should be noted, that earlier an overall sum of 4.7 Mio GBP had been transferred from Phase 1a to Phase 1b for BBS, of which 3.3 Mio GBP is for BB and 1.4 Mio GBP is for Siemens.

The above understanding is based on the assumptions, that TIE and BBS will conclude a contract award for ETN Phase 1a.

Please let me know if you need additional input on the above.

Regards Joachim Enenkel

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