
From: Geoff Gilbert
Sent: 21 January 2008 11:08
To: Scott.McFadzen@bilfinger.co.uk
Cc: Richard.Walker@bilfinger.co.uk; Flynn, Michael (Siemens TS); Matthew Crosse; Steven Bell; Susan Clark
Subject: RE: tie 'Big Banana' Issues

Scott

I think you are well aware but clearly from a commercial perspective we need to maintain the price.

Regards

Geoff

From: Geoff Gilbert
Sent: 19 January 2008 13:10
To: 'Scott.McFadzen@bilfinger.co.uk'
Cc: Richard.Walker@bilfinger.co.uk; Flynn, Michael (Siemens TS); Matthew Crosse; Steven Bell; Susan Clark
Subject: tie 'Big Banana' Issues

Scott

Further to our discussion yesterday I set out the big issues from our perspective (all of equal priority). This will hopefully aid the preparation of your plan and our mutual agreement on a way forward.

From a contract perspective the remaining issues are:-

1. Maintaining to LDs and cap flow through as agreed with MF before Christmas
2. The ongoing liability following completion of Infracore Works being unqualified – i.e position at Scottish Law to prevail
3. Maintaining the SDS and Tramco Novations with the risk balance as per the tie procurement strategy and with novations effected at Infracore Contract Award
4. BBS requirement for Tramco to accept paid when paid in respect of milestones not accepted by tie
5. Avoiding the unnecessary drafting, changes and complications that BBS (Siemens effectively) have asked for to distinguish between maintenance and capital works.
6. Minimising the changes to the TSA and TMA

We will send through the updated issues list based on the position reached as of yesterday i.e. the agreements made to date and drafting exchanges to that point.

From the purely commercial perspective we need to have

1. Conclusion and agreement of the Pricing Schedules with supporting detailed price build ups
2. a detailed narrative on what the BBS price represents (referred to as 'basis of pricing' in our schedule).
3. milestone payment schedules linked to the achievement of defined programme milestones (Siemens we believe are now proposing something else)
4. Infracore Proposals completed as per my Email to Scott dated 4/1/08 (previously sent to Scott)
5. Provision of GBR (Ground Conditions Baseline Report) as agreed with Steven Bell
6. Phase 1b price and programme
7. Confirmation of delivery of Infracore Works to ERs

I believe that the programme issues are largely settled with the exception of alignment of the SDS design programme to the Infracore programme.

Matthew will advise separately in respect of our position on the Employer's Requirements

I am available on my mobile this weekend should you wish to discuss any aspect of the above

Regards

Geoff Gilbert - Project Commercial Director
TRAM Project

tie Limited
Citypoint
65 Haymarket Terrace
Edinburgh EH12 5HD

tel [REDACTED]
mob [REDACTED]