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**From:** Susan Clark  
**Sent:** 13 September 2006 07:44  
**To:** Gavin Murray; Andie Harper; Geoff Gilbert  
**Cc:** Ennion, Bruce; David Powell; Bob Dawson; Douglas Leeming - TSS; Paul Alliott; Ailsa McGregor; Trudi Craggs; Roger Jones (Transdev); Jim Harries (Transdev)  
**Subject:** RE: Preliminary Design Clarification and role in ITN documentationTo

Gavin

I hope that this response can put this issue to bed.

A discussion was held late last week between a number of us. We too are concerned that SDS may argue that if their preliminary design is in the Infraco package then it is deemed as accepted.

Therefore, we agreed last week that there were 2 parallel streams of work as follows:

- 1) All drawing to be reviewed to identify what should go into the Infraco documentation, what alterations were required to be made to allow this to happen and that this should be labelled for tender purposes only. This is what you, Bruce and David along with Paul have been working diligently on over the past couple of days. Bidders will be required to provide back to us proposals that meet the functional spec.
- 2) TSS would carry out and complete the formal validation of the SDS design to allow comments to go back and the process to proceed to allow acceptance of the Preliminary design – this will not be complete in time for Infraco, hence item 1.

I hope that this answers the question but if not please get back to us.

Susan

**Susan Clark**

**Delivery Director - Tram**

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**From:** Gavin Murray  
**Sent:** 12 September 2006 22:54  
**To:** Andie Harper; Geoff Gilbert; Susan Clark  
**Cc:** Ennion, Bruce; David Powell; Bob Dawson; Douglas Leeming - TSS; Paul Alliott; Ailsa McGregor; Trudi Craggs; Roger Jones (Transdev); Jim Harries (Transdev)  
**Subject:** FW: Preliminary Design Clarification and role in ITN documentationTo

Andie, Geoff, Susan

I sent you the following message last Thursday looking for confirmation / clarity regarding documentation to make up the Infraco Tender. Unfortunately I have had no response from any of you. I have further had a number of members of the Transdev team (who are required to give their approval to the documentation and have spend many hours reviewing same) expressing their deep concerns to me (along similar lines to those set out below).

Whilst we are all busy trying to ensure that SDS are able to uprev the necessary Prelim Design documentation for inclusion in the tender package it is vital that there be some further definitive guidance on the status of this documentation within that package.

Could you please assist in giving at least some response.

Regards  
Gavin

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**From:** Gavin Murray  
**Sent:** Thu 07/09/2006 18:11  
**To:** Andie Harper; Geoff Gilbert; Susan Clark  
**Cc:** Ennion, Bruce; David Powell; Bob Dawson; Douglas Leeming - TSS; Paul Alliott  
**Subject:** Preliminary Design Clarification and role in ITN documentationTo

Andie, Geoff, Susan

Bruce, Bob and I have just had a lengthy discussion which has been precipitated by a variety of other discussions Bruce and I have had through out the day.

The key elements of this discussion are

1. the role of the Preliminary SDS design in the ITN tender
2. the interface between prelim Design purification and issue of ITN tender

With respect to the first of these the Tender Strategy has always for SDS to prepare their design which would be issued as part of the Tender. Earlier this week Geoff indicated that the SDS Preliminary Design should be packaged within the ITN documents as 'For Information Only'. When related to the developed strategy and the level of documentation (Employers Requirements etc) it is not acceptable for the Prelim Design to only have an 'information' status. In our discussion it was agreed that the Prelim Design has got to be presented with more weight than this however we need to take care how it is badged and what wording is used to define its status given that it has not been adopted as an acceptable preliminary design by either tie or City of Edinburgh Council.

In relation to the second I have been consulting with Bruce and David to consider the status of the documents (see attached messages to summarise the outcome of these discussions).

Our concern on this is that we have a contractual requirement with SDS to ensure that all elements are assessed to be 'Accepted' before the Preliminary design phase can be signed off as complete, however to issue data within the Infraco tender ahead of its being signed off as acceptable may be argued by SDS as 'Acceptance' and give rise to their claiming payment and requesting to move on to detailed design. I believe that clause 7.3.15 of the SDS contract (along with Clause 4.4 of Schedule Nine) may provide an tool to assist in managing this but it is certainly not clear cut. I would suggest we need to get SDS agreement to the need to focus on the 'Red' (Not accepted, Resubmit) and Mandatory Amber (Accepted with Mandatory Comment) and get these elements purified for issue within the ITN documentation.

I would appreciate clarification that this is appropriate and acceptable.

Regards  
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