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**From:** Richard Jeffrey  
**Sent:** 04 December 2009 07:59  
**To:** david\_mackay@[REDACTED] Graeme Bissett (external contact); Stewart McGarrity; Steven Bell; Alastair Richards  
**Subject:** FW: Discussion  
**Importance:** High

All, for info.

Good discussion with Andrew yesterday, he is no doubt about how we feel. Stuart Jordan will be removed from the job.

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**From:** Fitchie, Andrew [<mailto:Andrew.Fitchie@dlapiper.com>]  
**Sent:** 03 December 2009 18:17  
**To:** Richard Jeffrey  
**Subject:** Discussion  
**Importance:** High

**Private**

Richard

I know that the call you made was not an easy one and I very much appreciated the measured way in which you expressed the problem. Following our conversation, I am going to London tomorrow and will be discussing urgently with our UK Construction and Engineering Group head, Graeme Bradley, how we advise **tie** on the Infraco Contract and the disputes from now on. I need also to re-consider my own level of involvement in the Infraco Contract matter, in conjunction with the other workstreams currently in play for **tie**. This is manageable.

Once I have had the discussion in London, I will be in touch immediately with our proposal on partner level resource in order to answer the frustration that you stated very forcefully. It is not right that you feel exposed or inadequately served during this very critical period in the Project and I will be doing everything in my power to end that sensation.

It is clear that BSC's primary argument has been simply expressed. It is also distasteful that that simplicity also conceals disingenuousness but this needs to be put aside. I believe that **tie's** primary arguments can also be reduced to simpler statements. An unintended function of

(a) striving to ensure that all supportive parts of the Infraco Contract are brought to bear

(b) Challenge itself, with its connected need for exhaustive contract interpretation to underpin argument and counter-argument


has been to create opaqueness. The sheer pressure of preparing the DRPs and handling Challenge at the same time has imposed limitations on our reporting on merits of the arguments - but this does not detract from the fact that these debates with the **tie** project team have been occurring as the Referrals, Responses and Rejoinders for the DRPs have evolved.

My job is to deliver quickly the clarity, frankness and objectivity in our advice about the strength of the Contract that **tie** management see as lacking at present. Part of that task is an thorough review to ensure that our efforts to defend **tie** and to answer Challenge have not overreached . You have my assurance that this will be accomplished in the shortest timeframe that we can manage.

kind regards

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