

EDINBURGH TRAM NETWORK.

HILTON HOTEL CAR PARK WORKS

ADJUDICATOR'S DECISION

Having considered the Submissions and correlative Productions and Authorities placed before me in the adjudication between Ite Ltd and the Bilfinger Berger / Siemens / CAF Consortium commenced by a Notice of Adjudication served by Ite Ltd as Referring Party on or about 8<sup>th</sup> September, 2009, I DECIDE as follows, videlicet :-

1. I find and declare that the Responding Party is obliged under the Infraco Contract and without further instruction to proceed with the carrying out of the Car Park Works in accordance with the Programme ;
2. I find the parties jointly and severally liable for the fees and expenses incurred by me in the course of the adjudication. As between themselves, I find the Referring Party liable to pay one-third of those fees and expenses, and the Responding Party two-thirds of those fees and expenses.

Edinburgh,

13<sup>th</sup> October, 2009.

Robert B. M. Howie

R. B. M. HOWIE, Q.C.

ADJUDICATOR.