

2008/73

Kind regards
Andrew Fitchie
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----- Original Message -----

From: Willie Gallagher <Willie.Gallagher@tie.ltd.uk>
To: Graeme Bissett (external contact) <graeme.bissett@[REDACTED]>; Stewart McGarrity <Stewart.McGarrity@tie.ltd.uk>;
Fitchie, Andrew; Geoff Gilbert <Geoff.Gilbert@tie.ltd.uk>; Matthew Crosse <Matthew.Crosse@tie.ltd.uk>
Sent: Sat Mar 15 12:10:56 2008
Subject: FW: Edinburgh Tram

Andrew,

Can you please copy this to Ian Lang, I do not have his contact details.

Willie

* From: Willie Gallagher
Sent: 15 March 2008 12:10
To: Richard.Walker@bilfinger.co.uk; flynn.michael@siemens.com
Cc: 'Fitchie, Andrew'; Steven Bell
Subject: Edinburgh Tram

Richard,

We are deeply disappointed over the breakdown of our negotiations last night. Like you, we thought the deal was agreed on Price, Scope & Contracts.

We now this one remaining difficult issue to resolve – our requirement for indemnification by BBS on third party claims. Your proposal for no indemnification, regardless of beach of contract, negligence etc. is unacceptable to CEC. For the avoidance of doubt, I have had this confirmed by the CEC Solicitor last night after we spoke. We have no where to go on this point, the Public Sector cannot give a uncapped warranty on the issue in question

We are now working to an extremely tight timetable. To enable us to draw down the £20m funding from Transport Scotland, we need to conclude contracts by 31st March – this is a Monday. If we can place the PIN on Monday evening, this would enable us to hit the 28th March. Realistically, this is therefore the drop-dead date for processing.

Over the weekend, we are reviewing all our Insurance Details which have already been passed to BBS as part of our negotiations.

We plan to meet again on Monday at 10am. I am happy for this to be in Edinburgh or Germany if necessary. If we can conclude an agreement by lunch-time on Monday, I will have the necessary arrangements in place to enable me to sign-

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off and place the PIN.

Please give me a call at anytime. If you wish to meet tomorrow, Sunday, that will be fine.

Regards,

Willie

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