



**Project Pitchfork**

**Level 1 Meeting**

**Isambard, Citypoint 2**

**23<sup>rd</sup> September 2010**

**In Attendance:**

David Mackay  
 Richard Jeffrey (RJ)  
 Susan Clark (SC)  
 Steven Bell (SB)

Tony Rush (TG)  
 Jim Molyneaux (JM)  
 Andrew Fitchie (AF)

	Action	Owner	Due Date
1	<p><b><u>Carlisle</u></b>            The question was asked “in light of the letter received from BSC yesterday, was it correct to submit a revised counter offer”?            It was agreed that it was worth sending this because:</p> <ul style="list-style-type: none"> <li>• If we do not send something now, it is very hard to put something on the table later – really no going back</li> <li>• Approach on RTN’s obviously working</li> <li>• Nothing to lose by sending it</li> <li>• Supports retaining control and reinforces our rules of engagement</li> </ul> <p>Consideration was given to changing the counter proposal in response to the BSC letter. TG recommended not changing the figure because the words in the proposal leave it open for a negotiation. This was agreed.</p> <p>RJ raised issue of whether the design for the whole route was a non-negotiable as far as we were concerned. Following discussion it was concluded that the proposal covered this issue and the contract remained intact.</p> <p>The issue of including the SDS investigation scope should be included in the proposal. It was agreed that the scope would not be included – it is suffice to say that the investigation will be done and the proposal to be changed to reflect this.</p> <p>The issue of requesting bonds beyond 2013 had been removed from the proposal – this was agreed to be put back in.</p> <p>Revised proposal to be submitted to BSC on 24/09.</p>	<p>TR</p> <p>TR</p> <p>TR</p>	<p>24/09</p> <p>24/09</p> <p>24/09</p>
2	<p><b><u>Responses to BSC letter Ref 25.1.201/KDR/6790</u></b>            Draft to be produced for circulation/comment</p>	<p>TR/AF</p>	<p>27/09</p>

<p><b>3</b></p>	<p><b><u>RTN's</u></b></p> <p>RTN 1&amp;2 – TR to produce first draft response  RTN3 – Steven to provide first draft response  RTN 4 – response due 27/09  RTN 5 – response due 13/10  RTN6 – response due 20/10  RTN 7 – response due 3/11  RTN Conduct – with Senior Counsel for review. Planned release 29/09  RTN Clause 80 – finalising today/tomorrow and release planned for 27/28  RTN Gogarburn RW – finalising today/tomorrow and aim for release 27/28</p> <p>Other potential RTN's include – track @ landfill site, tramwash in depot, NR corridor retaining walls.</p> <p>RJ asked about evidence supporting the RTN conduct. AF explained that RTN had been drafted on documented information available and that over the next few weeks this type of evidence would be presented to Richard Keen QC for review.</p> <p>Agreed that RJ/AF to meet alastair McLean at CEC re appointment of CEC QC</p> <p>Also agreed that AF should explore Junior Counsel supporting Richard Keen.</p>	<p>TR SB</p> <p>TR/AF</p> <p>TR/AF</p> <p>TR/AF</p> <p>RJ/AF</p> <p>AF</p>	<p>27/09 27/09</p> <p>29/09</p> <p>27-28/9</p> <p>27-28/9</p>
<p><b>4</b></p>	<p><b><u>UWN's</u></b></p> <p>Draft responses with SB for review, signature and release.</p>	<p>SB</p>	<p>28/09</p>
<p><b>5</b></p>	<p><b><u>Bonds/PCG's</u></b></p> <p>It was agreed that bonds and PCG's may be called earlier than was previously anticipated. TR and AF to provide a strategy with timing in relation to RTN's for discussion at meeting next week.</p>	<p>TR/AF</p>	<p>29-30/9</p>
<p><b>6</b></p>	<p><b><u>DRP's</u></b></p> <p>Agreed that all DRP decision should be reviewed for evidence which would support RTN's.</p> <p>Letter to go to BSC requesting disclosure of all changes BSC have sent to SDS.</p> <p>Pricing assumption 1 – will be tested through the 4 step strategy being employed for INTC's.</p>	<p>AF</p> <p>TR</p>	
<p><b>7</b></p>	<p><b><u>Stakeholders</u></b></p> <p>Meeting with Leader of the Council taking place next week followed by group leader briefings.</p>		

8	<p><b><u>Notice</u></b></p> <p>AF to produce document outlining headings which BSC could claim if <b>tie</b> terminated incorrectly.</p>	AF	
9	<p><b><u>SDS Investigation</u></b></p> <p>TR identify dates for Nigel Robson to meet RJ/DM.</p> <p>Commercial settlements at novation to be provided for investigation.</p>	TR SB	
10	<p><b><u>LAD's</u></b></p> <p>Agreed that these would be applied to Section A from 2 Nov 2010.</p>	SB	From Nov
	<p><b><u>Next meeting to be set up for 29 or 30 September</u></b></p>		