
From: Susan Clark
Sent: 02 November 2009 19:29
To: Iain McAlister
Cc: Tom Hickman
Subject: RE: J086 - [330] - RE: MUDFA Rev 8 mediation ; Prepared for the purposes of DRP and Legal Proceedings

Iain

Thanks for your comments. I'll update Tom and yourself in the morning following the meeting this afternoon.
Susan

From: Iain McAlister <imcalister@acutus.co.uk>
Sent: 02 November 2009 16:37
To: Susan Clark <Susan.Clark@tie.ltd.uk>
Cc: Tom Hickman <Tom.Hickman@tie.ltd.uk>; Robert Burt <rburt@acutus.co.uk>
Subject: J086 - [330] - RE: MUDFA Rev 8 mediation ; Prepared for the purposes of DRP and Legal Proceedings

Susan,

Thank you for your email. Please find attached a marked-up copy of your document with some comments for your consideration.

Stephen has set us a very challenging task. There is a lot of sense in trying to, as you say, "wipe the slate clean" and continue afresh. I expect BSC will be more than happy to enter into discussions on some form of "wrap-up" deal. The difficulty I anticipate will be formulating a binding agreement.

Trying to put myself in BSC's shoes; if I can secure relief from LaD's but still keep open all avenues for additional revenue, I have nothing to lose. If I need to sign-off now on financial entitlement for many of the events for which I am pursuing time and/or money I need to be convinced that the deal I am negotiating now is the best that I will get now or in the future. My view on this will be strongly coloured by how secure I feel in the position I am currently taking.

Please forgive me for repeating myself but I do think that BSC has ongoing concerns over the delivery of design and procurement of the Works. Unless I am mistaken, I don't think it will feel it is in a position to compromise very much, if indeed at all, on what it considers to be any of its means to secure the maximum EoT.

I hope and trust these comments are of some help in your deliberations. I plan to be in CityPoint tomorrow morning if you wish to discuss any of this with me.

Kind regards

Iain

From: Susan Clark [mailto: Susan.Clark@tie.ltd.uk]
Sent: 02 November 2009 10:35
To: Tom Hickman; Iain McAlister
Subject: MUDFA Rev 8 mediation ; Prepared for the purposes of DRP and Legal Proceedings

Tom, Iain

Thank you both for your comments on Friday in relation to a potential way forward through mediation.

Can you have a look at the second part of the attached paper which tries to outline a potential way forward on relief only.....

I absolutely agree with Iain in respect of going through the laborious detail of outlining the strength of tie's case before we go anywhere near broaching a potential deal.

What I have outlined tries to encompass a way forward for dealing with MUDFA Rev 8 but also everything else we know about in a subsequent phase along with what we want for agreeing to this i.e effectively Iain's carrot and stick approach.

Richard, Steven and I are meeting with David Darcy this afternoon and this may inform the way forward and I'll update you following that meeting.

Susan

Susan Clark
Deputy Project Director - Tram

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