

**Draft Deal for Infraco – Areas To be Finalised Post Preferred Bidder
BBS**

The aspects of the Infraco Draft Deal relating to Phase 1a that are subject to firming up are detailed in the table below.

Contract Terms	Employers Requirements	Infraco Proposal	Price	Other
<ul style="list-style-type: none"> • Infrastructure Maintenance Agreement to be finalised consistent with the agreements reached on the main Infraco agreement • Alignment of the Infraco and Tram Agreements for the issues listed in the Draft Deal consistent with the principles agreed for any of these issues and to satisfy tie that the Agreements correctly align. • Alignment of the Infraco and SDS Agreements for the issues listed in the Draft Deal consistent with the principles agreed for any of these issues and to satisfy tie that the Agreements correctly align. • Adjust scope of SDS Agreement for:- <ul style="list-style-type: none"> — Scope which is to be provided direct to tie — Work which Infraco does not want SDS to undertake • Final Network Rail APA terms • Form of Depot Licence • Schedule 14 to be amended so it is consistent with the SDS Agreement and current review practices employed by the Project • Finalise certificates to be included in Schedule 31 • Update Schedule 39 with remaining TUPE information • <u>Milestone definitions and milestone dates to be agreed.</u> • <u>Commissioning resources required of the Operator to be scheduled to the agreement</u> • <u>LD's definitions and amounts to be agreed.</u> 	<ul style="list-style-type: none"> • Changes agreed with tie to align with bidders technical proposals and as listed in the Draft Deal. • Final constraints in respect of on street works between Haymarket station and Newhaven as agreed with tie, CEC and TEL • Land release schedule that aligns with the Infraco's programme agreed pre preferred bidder • Review by tie to confirm that ER's align with the agreed terms and conditions and amend where any changes are made • Bidder confirms their agreement to the ERs on completion of the due diligence of Critical Design Items as defined in the Draft Deal • <u>RDA responsibility matrix to be added to ER's</u> • <u>Maintenance responsibilities matrix to be added to ER's</u> 	<ul style="list-style-type: none"> • Programme for construction works to be adjusted for:- <ul style="list-style-type: none"> — Final agreed constraints for on street works between Haymarket station and Newhaven as agreed with tie, CEC and TEL — Alignment of Infraco and Tramco programmes for the specific issues referred to in the Draft Deal — Adjustment for finalisation of Value Engineering items — Final designs for on street roads and drainage between Haymarket Station and Newhaven except for carrier drains and any drainage required for the Infracos proposed trackform — Final designs for roads and pavings between Haymarket and Newhaven — Final designs for Lyndsay Road alignment and associated structures — Final designs for Picardy Place — Final designs for the frontage of Ocean Terminal and adjacent bypass road — <u>Alignment of the Operator's training programme with the commissioning and testing programme.</u> • Infraco Technical Proposals updated for:- <ul style="list-style-type: none"> ○ The drawings and supporting technical information that define the proposed scheme (essentially the SDS designs) ○ <u>Infraco maintenance proposals to be consolidated and to be expanded to, including include tram proposals</u> ○ The programme for delivering any remaining designs and supporting technical information not completed by the date of Contract Award ○ Final method statements based on those agreed and included in the Draft Deal for the following:- <ul style="list-style-type: none"> ○ ??????. ○ The resolution of any remaining Qualifications and Assumptions insofar as they relate to Infraco 	<ul style="list-style-type: none"> • Adjust construction price for the following areas for the finalised and accepted (by tie) Detailed Design (final designs) for <ul style="list-style-type: none"> — Roads and pavings between Haymarket and Newhaven — Final constraint in respect of the on street works between Haymarket and Newhaven — Drainage between Haymarket and Newhaven excluding except for carrier drains and any drainage required for the Infracos proposed trackform — Lyndsay Road alignment and associated structures — Picardy Place — Frontage of Ocean Terminal and adjacent bypass road — Victoria and Tower Bridge dock bridges footpaths and cycleways — The cycle way for Carricknowe Bridge up to a maximum of £140k • Adjust construction price for firming up provisional sums for:- <ul style="list-style-type: none"> — Utility power connections — Minor utility diversions — Mains power connections to street lights and traffic signals — Crewe relief facilities at Haymarket — Leith Walk substation demolition — Final number of cctv cameras, including adjustment to central equipment prices — Structure S18 — Picardy Place — Scottish Power connections at depot and Ingliston Park and Ride • Adjust construction price for value of remaining work to be done by SDS under their contract taking account of any scope omitted • Reduce construction price for Value Engineering Items • <u>Reduce maintenance price to reflect CEC responsibility for structures maintenance between Haymarket and Newhaven</u> • All adjustments are to be made:- <ul style="list-style-type: none"> — on the basis of the rates and 	<ul style="list-style-type: none"> • Due diligence <ul style="list-style-type: none"> — Due diligence is undertaken to the programme and protocol contained in the Draft Deal for the purposes of:- <ul style="list-style-type: none"> • Infraco accepting that the system performance requirements specified in the ERs can be delivered by the SDS designs (excluding systems which are designed by the Infraco) • Infraco being satisfied that the standard of designs (reviewed on a sample basis) are to a reasonable standard that can be expected of an experienced designer within the light rail sector. • Except where Infraco demonstrates to tie that the designs do not meet these criteria Infraco accepts the SDS designs for the system and SDS as designer of the system • Value Engineering items are:- <ul style="list-style-type: none"> — The items listed in the Draft Deal and — Any further items that may identified by either party and accepted by tie to be implemented — The Preferred Bidder agrees to the firming up of identified in the Draft Deal to the programme set out therein — The Preferred Bidder agrees to participate fully in the identification of further Value Engineering opportunities

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		Technical Proposals	<p>prices contained in the build ups to the bidders price to the extent that the work is of the same in nature</p> <ul style="list-style-type: none">— where similar in nature rates pro rata to those contained in the build ups to the bidders price— where dissimilar on the basis of fair rates demonstrated by competitive quotes— Method related costs included within Preliminaries will be adjusted for the above— Time related Preliminaries costs will only be adjusted for reductions in programme duration arising from the above— There will be no other adjustments to price except for those referred to above	
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