

**EDINBURGH TRAM NETWORK**

**INFRACO PROCUREMENT**

**SUMMARY OF MAJOR OUTSTANDING ISSUES AS AT 28 JULY 2006**

	<b>ISSUE</b>	<b>COMMENT/ACTION</b>	<b>RESPONSIBILITY</b>	<b>DEADLINE FOR DELIVERY</b>	<b>STATUS/PRIORITY</b>
1.	Completion of PQQ Evaluation	<i>Final information received from PQQ Candidates</i>			
		<b>ACTION:</b> Draft of report to be finalised and delivered to A. Harper	David Powell	DONE	
		<b>ACTION:</b> Formulate policy for meeting with PQQ Candidate	Andie Harper	TBA	
		<b>ACTION:</b> Meeting to be organised with PQQ Candidate	Andie Harper/David Powell	TBA	
2.	Procurement Strategy	<i>A separate infrastructure maintenance contract has been proposed. A more flexible approach is to be adopted.</i>			
		<b>ACTION:</b> Complete procurement strategy paper	David Powell	DONE	
		<b>ACTION:</b> A. Harper to review paper and determine distribution list	Andie Harper	4 August 2006	
		<b>ACTION:</b> Paper to be updated and distributed	David Powell/Bob Dawson	9 August 2006	
3.	Procurement Timetable	<i>The timetable has been re-drafted by <b>tie</b> and is currently under review.</i>			
		<b>ACTION:</b> Confirmation of agreed timetable is required	Dave Ramsay/Andie Harper	28 July 2006	
		<b>ACTION:</b> Timetable to be distributed and all parties briefed	Dave Ramsay/Andie Harper	2 August 2006	
4.	Invitation to Negotiate	<i>Required content of Tender Submission needs substantial development to reflect the requirements of the Procurement Strategy and the technical requirements set out in the Scope and Specification.</i> <i>Once this is decided, this will enable the sections on evaluation criteria and tender content to be completed.</i> <i>The supporting information for the ITN (e.g. background information, drawings etc) is in preparation.</i> <i>5th draft of the Infraco ITN was issued to <b>tie</b> procurement team on 17 July 2006 to reflect the Infraco ITN Structure Diagram.</i> <i>ITN Structure Diagram has been reviewed and updated accordingly.</i>			

	ISSUE	COMMENT/ACTION	RESPONSIBILITY	DEADLINE FOR DELIVERY	STATUS/PRIORITY
		<p><b>ACTION:</b> Preparation of ITN questions/technical requirements</p> <p><b>ACTION:</b> Definition of format of contractor's programmes</p> <p><b>ACTION:</b> Update Infraco ITN to reflect revised procurement strategy</p>	<p>David Powell/Chris Horsley</p> <p>Tom Hickman</p> <p>Chris Horsley</p>	<p>28 July 2006</p> <p>TBA</p> <p>16 August 2006</p>	
5.	Mandatory Variants	<p><i>A separate table reflecting the required mandatory variants has been prepared.</i></p> <p><i>The supporting technical requirements and pricing schedules/bills of quantities to be developed.</i></p> <p><i>Additionally, the tender documentation needs to consistently reflect the requirements of the Standard Tender (base bid) - this is not the case across the documents as they currently stand.</i></p> <p><b>ACTION:</b> DLA Piper/tie to revise list of Mandatory Variants.</p> <p><b>ACTION:</b> tie to approve proposed list of mandatory and optional variants</p>	<p>tie/technical team/TT</p> <p>Sharon Fitzgerald</p> <p>Andie Harper/David Powell</p>	<p>DONE</p> <p>21 July 2006</p>	
6.	Infraco Contract	<p><i>There are a number of legal drafting issues which need to be confirmed. Most of the major issues are reliant on the conclusion of other workstreams.</i></p> <p><b>ACTION:</b> Prepare second draft of Heads of Terms for the Infraco Contract</p> <p><b>ACTION:</b> The following workstreams (with associated mobilisation plans) are to be mobilised to address the following:</p> <ul style="list-style-type: none"> <li>• payment mechanism/performance monitoring (financial/technical input required) Consideration to be given to the incorporation of SDS and Tramco milestones. Indexation to be considered.</li> <li>• testing and commissioning</li> <li>• bonding and liquidated damages</li> <li>• valuation of changes (development of exemplar rates)</li> <li>• strategy for the responsibility for obtaining Consents (including Building Fixing Agreements, TTROs and TROs) - strategy to be confirmed</li> <li>• step-down of requirements of the Tram Legislation</li> </ul>	<p>Sharon Fitzgerald</p> <p>Alastair Richards /David Powell/Paul Alliot/Ian Brooks/Rob Smith/TETL</p> <p>Bruce Ennion /Paul Alliot/Dave Ramsay</p> <p>David Powell/Ian Brooks/Andrew Fitchie/Sharon Fitzgerald/Stewart McGarrity</p> <p>John Lyall/TBA</p> <p>Trudi Craggs/D&amp;W</p> <p>Trudi Craggs/D&amp;W</p>	<p>DONE</p> <p>DONE</p> <p>28 July 2006</p> <p>DONE</p> <p>28 July 2006</p> <p>TBA</p> <p>TBA</p>	

	ISSUE	COMMENT/ACTION	RESPONSIBILITY	DEADLINE FOR DELIVERY	STATUS/PRIORITY
		<ul style="list-style-type: none"> <li>• conclusion of discussions on the step-down of the third party agreements.</li> <li>• Strategy on land take for the Project</li> </ul> <p><b>ACTION:</b> Update paper on payment mechanism paper for Board consideration (Infraco and infrastructure maintenance contracts)</p> <p>ACTION: Finalisation of testing and commissioning requirements.</p> <p>ACTION: Update paper on bonding and liquidated damages (Infraco and infrastructure maintenance contracts)</p> <p>ACTION: Prepare paper on the split use of the Depot</p> <p><b>ACTION:</b> Prepare third draft of Heads of Terms for the Infraco Contract</p> <p><b>ACTION:</b> Prepare fourth draft of Heads of Terms for the Infraco Contract</p> <p><b>ACTION:</b> Prepare fifth draft of the Infraco Contract and Schedules</p>	<p><b>Trudi Craggs/D&amp;W/CEC/tie</b></p> <p><b>Geoff Duke/D&amp;W</b></p> <p><b>Alastair Richards</b></p> <p><b>Bruce Ennion /Paul Alliot/Dave Ramsay</b></p> <p><b>David Powell/Ian Brooks/Sharon Fitzgerald/Andrew Fitchie/Stewart McGarrity</b></p> <p><b>David Powell/Bruce Ennion/Roger Jones/Ian Brown</b></p> <p><b>Sharon Fitzgerald/DLA Piper team</b></p> <p><b>Sharon Fitzgerald/DLA Piper team</b></p> <p><b>Sharon Fitzgerald/DLA Piper team</b></p>	<p><b>TBA</b></p> <p><b>TBA</b></p> <p><b>4 August 2006</b></p> <p><b>4 August 2006</b></p> <p><b>28 July 2006</b></p> <p><b>28 July 2006</b></p> <p><b>28 July 2006</b></p> <p><b>28 July 2006</b></p> <p><b>4 August 2006</b></p> <p><b>4 August 2006</b></p>	<div style="background-color: #cccccc; height: 100%; width: 100%;"></div> <p style="text-align: center; background-color: #cccccc;">Deadline slipped to 3 August 2006</p>
7.	Scope of Infraco Works/tie's <b>General Requirements</b>	<p><i>Drafting underway and issues to be incorporated include:</i></p> <ul style="list-style-type: none"> <li>• <i>Network Rail Apparatus Works and any other Network Rail related accommodation works</i></li> <li>• <i>Interface with infrastructure maintenance</i></li> <li>• <i>Construction Works</i></li> <li>• <i>Testing, commissioning and system acceptance tests</i></li> <li>• <i>Infraco training and manuals preparation</i></li> <li>• <i>System integration</i></li> <li>• <i>Extension to Park and Ride Site (tbc)</i></li> <li>• <i>Passenger interchange requirements (tbc)</i></li> <li>• <i>Street furniture and streetscape (tbc)</i></li> <li>• <i>Street lighting and traffic lights (tbc)</i></li> <li>• <i>Spare parts, tools and test equipment</i></li> </ul>			

	ISSUE	COMMENT/ACTION	RESPONSIBILITY	DEADLINE FOR DELIVERY	STATUS/PRIORITY
		<ul style="list-style-type: none"> <li>• <i>Works arising out of CPO process (e.g. remediation of boundary walls)</i></li> <li>• <i>Requirement for any additional surveys (tbc)</i></li> <li>• <i>Enabling Works (e.g. demolition) (tbc)</i></li> <li>• <i>Case for safety</i></li> <li>• <i>Factory Testing</i></li> <li>• <i>Costs associated with testing and commissioning to be met by the Infraco</i></li> <li>• <i>Cross check against SDS, MUDFA and DPOFA</i></li> <li>• <i>Cross check Phase 1a/1b additions/deletions</i></li> <li>• <i>Additional earthworks (for EARL)(tbc)</i></li> <li>• <i>Hours of work, Accommodation (within depot complex rather than site office), Responsibilities, Interface with Operator, Operational and Maintenance Procedures - who responsible for producing what?,</i></li> <li>• <i>Possessions for work to be carried out (who does what and when) First level (replace components and sub-assemblies) and Second level (repair components and sub assemblies) maintenance, Insurances, spare holdings, ownership of spares, Stores - separate or combined, stores management, Store keeper (who pays operator or Infraco?), Performance, Interface with Scada and communication system, fault log, event log, access procedures, are examples of detail that needs be addressed in the Maintenance requirements documentation independently of the procurement documentation.</i></li> <li>• <i>who is responsible for what and when during the maintenance of the Infrastructure (and its associated systems) and the Trams. Who drives the trams within the depot when they are 'being</i></li> <li>• <i>maintained' as compared to being moved for operational purposes. Who insures them under such circumstances is it tie, the maintainer or the Operator? Who isolates a substation in order for switchgear testing or maintenance to be carried out?</i></li> <li>• <i>Equally so to what extent does the Infraco maintain the Infrastructure?</i></li> <li>• <i>What are the responsibilities of the Operator in respect of 'maintenance'. where does 'cleaning and removal of litter etc' stand, Removal of graffiti? Where do we differentiate between 'cleaning' and 'maintaining'. If the Operator fails to keep it - what ever 'it' is -'clean' will this attract more 'maintenance'.</i></li> </ul>			

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		<b>ACTION:</b> Produce first draft of Scope	<b>Bruce Ennion</b>	DONE	
		<b>ACTION:</b> Review first draft of Scope	<b>Dave Ramsay/David Powell/Sharon Fitzgerald</b>	28 July 2006	
		<b>ACTION:</b> Produce first draft of <b>tie's</b> General Requirements	Bruce Ennion/John Lyall	DONE	
		<b>ACTION:</b> Review first draft of <b>tie's</b> General Requirements	Bruce Ennion/John Lyall/Sharon Fitzgerald/Alan Cassels/David Powell	4 August 2006	
8.	Pricing Schedules/Milestones	<i>In development. Will need to be reviewed against the Scope and tie's Requirements.</i>  <b>ACTION:</b> Work continues on the take-off from the SDS developing design	<b>Alan Dolan/Arthur Bell/John Lyall</b>	TBA	
9.	<b>tie's</b> Requirements (previously known as the Employer's Requirements)	<i>These are 95% complete. Currently with TSS for review. Legal review still to take place.</i>  <b>ACTION:</b> Review/Reformat to be completed by TSS <b>ACTION:</b> Upon receipt to be reviewed by <b>tie</b> <b>ACTION:</b> <b>tie</b> reviewed documents to be issued to DLA Piper for contractualisation <b>ACTION:</b> Final documents to be issued to SDS and other interested parties	Gavin Murray/TSS Dave Ramsay/Gavin Murray <b>Sharon Fitzgerald/DLA Piper team</b> TBA	TBA TBA TBA <b>TBA</b>	
10	Project Lexicon	<i>In development</i> <b>ACTION:</b> Finalise first draft	<b>John Lyall</b>	<b>28 July 2006</b>	
11.	Project Programme	<i>In development.</i> <b>ACTION:</b> Interface with MUDFA to be further developed and all constraints clearly identified.	<b>Tom Hickman</b>	TBA	
12.	Infrastructure Maintenance Agreement	<i>In preparation.</i>  <b>ACTION:</b> Preparation of first draft of infrastructure maintenance contract  <b>ACTION:</b> Initiate workstreams (with associated mobilisation plans) in respect of valuation of standard repair/replacement costs  <b>ACTION: Review of first draft of Infrastructure Maintenance Agreement</b>	Sharon Fitzgerald TBA David Powell/Bruce Ennion	DONE  <b>TBA</b> 26 July 2006	<b>Deadline slipped to 1 August 2006</b>

	ISSUE	COMMENT/ACTION	RESPONSIBILITY	DEADLINE FOR DELIVERY	STATUS/PRIORITY
		<b>ACTION:</b> Prepare second draft of the Infrastructure Maintenance and Schedules	<b>Sharon Fitzgerald/Chris Horsley/DLA Piper team</b>	2 August 2006	
13.	Infrastructure Maintenance Specification	<i>Drafting required in relation to definition of requirements</i>  <b>ACTION: Resource to be identified</b>  <b>ACTION:</b> First draft of output specification for infrastructure maintenance to be prepared  <b>ACTION:</b> Requirement for Code of Maintenance Practice TBC	<b>Andie Harper/Dave Ramsay/David Powell</b>  TBA  <b>Dave Ramsay</b>	TBA  TBA  TBA	
14.	DPOFA Negotiations	<i>Paper on proposed amendments is with tie and TEL. Requires engagement with TETL on (a) settled infraco/operator interface, (b) cost efficiency amendments to DPOFA (further work on detail for proposals to TETL necessary, and (c) completion of purposes in relation to agreed adjustments to payment mechanism in DPOFA. Comprehensive paper has been seen and approved by TEL Board.</i>  <b>ACTION:</b> tie/TEL to instruct DLA Piper on work plan and negotiation.  <b>ACTION:</b> Identification of DPOFA Deliverables which are relevant to the Infraco procurement.	<b>Alastair Richards/Andie Harper</b>  <b>Alastair Richards/Andie Harper</b>	TBA  TBA	
15.	Commissioning Services Agreement ("CSA") Development and Negotiations	<i>Initial draft has been prepared. Further technical and commercial instructions are required before the agreement is given to TETL. TETL have been shown Scope of Services.</i>  <b>ACTION:</b> tie to instruct DLA Piper on work plan and negotiation.	<b>Alastair Richards/Andie Harper</b>	TBA	
16.	Road Demarcation Agreement ("RDA") Development and Negotiations	<i>An agreement and heads of terms have been prepared. Meeting required with tie for further instruction.</i>  <b>ACTION:</b> tie to instruct DLA Piper on work plan and negotiation.	Trudi Craggs/Barry Cross	TBA	
17.	Asset Protection Agreement ("APA") Development and Negotiations	<i>Standard form agreement with Network Rail. tie commercial and technical input required. Scope of Infraco Works which will impact upon Network Rail is to be determined. Timing issue with regard to the existing contracts mean that the APA needs to be in place by September.</i>  <i>DLAPiper/tie have met twice to go through the APA in detail. Meeting took place on 17 July 2006. Network Rail cancelled recent meeting. To be re-scheduled</i>			

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		<b>ACTION:</b> Meeting with Network Rail required to agree further actions.	<b>Dave Ramsay</b> /Jeff Lloyd/Chris Horsley	TBA	
18.	Infraco Evaluation Methodology	<i>First draft has been prepared. To be developed further.</i>  <b>ACTION:</b> Review of Tender evaluation criteria to ensure parity with the ITN Tender Submission requirements.  <b>ACTION:</b> Review existing evaluation procedure (lessons learned)  <b>ACTION:</b> Finalisation	  <b>Sharon Fitzgerald</b>  <b>David Powell</b> /Sharon Fitzgerald	9 August 2006  Finalisation post ITN release	
19.	Infraco Advance Works	<i>Various advance works have been identified. For example, work in relation to the SRU pitches, contaminated land and badgers.</i>  <i>A separate paper on this has been prepared by DLA Piper.</i>  <b>ACTION:</b> Establish scope, roles and responsibilities and action plan with the Infraco. Update procurement strategy accordingly	<b>Andie Ramsay</b> /David Fitzgerald  <b>Harper/Dave Powell</b> /Sharon Fitzgerald	TBA	
20.	Power Supply Agreement	<i>Content to be determined. Timing for procurement to be determined.</i>  <b>ACTION:</b> Confirmation that the power capacity is available.  <b>ACTION: Provide estimate of total System power consumption (MD + Consumption)</b>  <b>ACTION:</b> Strategy for procurement of electrical power to be developed.	<b>Alan Dolan</b>  <b>Alan Dolan</b>  <b>David Powell</b> /Bruce Ennion/DLA Piper	4 August 2006 4 August 2006 11 August 2006	
21.	SDS Agreement	<i>SDS Agreement is to be provided to the Infraco bidders.</i>  <b>ACTION:</b> Identification of variations is required in order to update the executed version of the SDS Agreement.	Gavin Murray/Dave Ramsay	TBA	
22.	Internal Approvals/Sign-Off	<b>Various documents require sign off from: tie, TSS, TEL, SDS, and DLA Piper</b>  <b>ACTION:</b> Action plan to developed	David Powell/Andie Harper	21 July 2006	<b>Deadline slipped to 2 August 2006</b>
23.	Stakeholder approval	<b>Various documents require sign off from: CEC and TS</b>  <b>ACTION:</b> Action plan to developed	David Powell/Andie Harper	21 July 2006	<b>Deadline slipped to 2 August 2006</b>
24.	<b>Volume 7 ITN: Supporting Information</b>	<i>See current version ITN structure diagram: tie system assurance requirements</i>	TBA		





Bidders proposals

**Infraco Tender Documents Package**  
Letter enclosing Invitation to Negotiate

**Volume 1**  
**Infraco ITN and Appendices**

Section 1 – Introduction  
Section 2 – Background Information (including tie team)  
Section 3 – Outline of the Key Contracts  
Section 4 – Project Programme

Section 5 – Instructions to Tenderers  
Section 7 – Format of Tender & CARP Submissions  
Section 8 – Tender Evaluation  
Appendix 1 – Tender Query Form  
Appendix 2 – Background Information CD

**Volume 2**  
**Format of Standard Tender & Mandatory Variant Tenders**

**Standard Tender**  
Part 1 - Formal Offer  
Part 2 - Legal Authority of the Signatory  
Part 3 - Anti Collusion Certificate  
Part 4 - Organisation Details  
Part 5 – Executive Summary  
Part 6 - Technical Questions/Requirements  
Part 7 - Pricing Requirements  
Part 8 - Legal Requirements including Compliance Matrix and Risk Allocation Matrix  
Part 9 - Insurance Questionnaire

**Mandatory Variant Tenders**  
MV1 (reduced Phase 1a) – pricing and programme  
MV2 (Phase 1a + Phase 1b) – pricing and programme  
MV3 (6 trams per hour) - pricing, programme and technical  
MV4 (Phase 1b + 6 trams per hour) - pricing, programme and technical

**Optional Variant Tenders**  
OV1 (risk allocation)  
OV2 (Infrastructure Maintenance)  
OV3 (Design)

Documents to form future Contract Agreement

**Volume 3**  
**Infraco Contract, Infrastructure Maintenance Contract and Schedules**  
See Sheet 2

**Volume 4**  
**Tram Supply Agreement, Tram Maintenance Agreement, Roads Demarcation Agreement and Commissioning Services Agreement, SDS Agreement**  
See Sheet 2

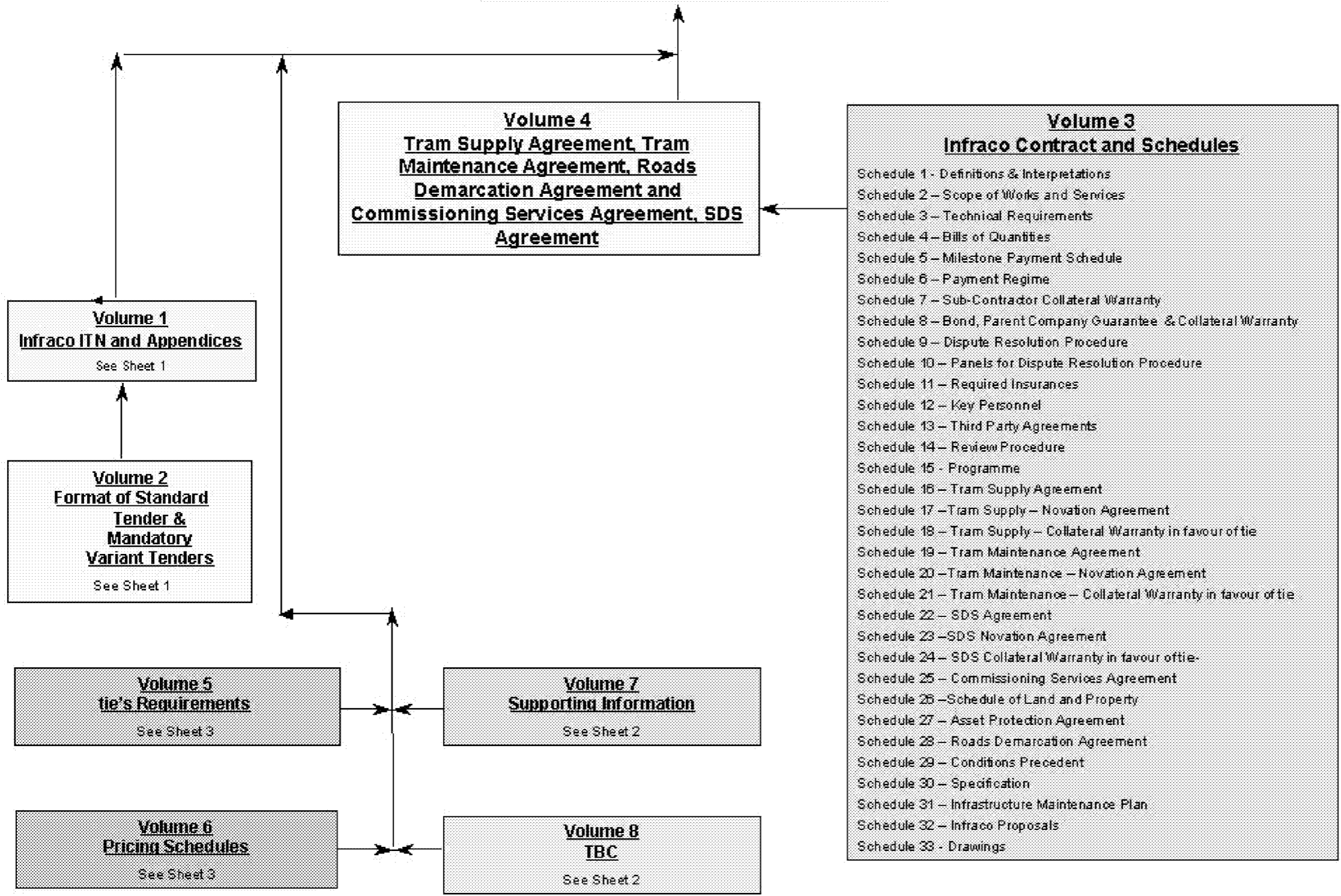
**Volume 5**  
**tie's Requirements**  
See Sheet 3

**Volume 6**  
**Pricing Schedules**  
See Sheet 3

**Volume 7**  
**Supporting Information**  
See Sheet 2

**Volume 8**  
**TBC**  
See Sheet 2

**Infraco Tender Documents Package**



**Infraco Tender Documents Package**

