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**From:** Marshall Poulton  
**Sent:** 19 December 2010 19:28  
**To:** Andy Conway; Bob McCafferty  
**Subject:** FW: CEC approvals

**Importance:** High

Andy

Can you please prepare a position statement on where we are exactly with approvals for the Tram project. The statement should include the current status of the design and who is the responsible person/organisation for closing out any outstanding items. Also, it would be helpful if you could identify the main blockers as you see them and what CEC resource would be required to free them up.

I would suggest the three of us meet for say, one hour on Wed morning at 9.30 to go over the position statement.

Marshall

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**From:** Richard Jeffrey [<mailto:Richard.Jeffrey@tie.ltd.uk>]  
**Sent:** 17 December 2010 13:47  
**To:** Dave Anderson; Marshall Poulton; Andy Conway  
**Cc:** Donald McGougan; Alastair Maclean  
**Subject:** CEC approvals

Dave (et al)

We need to be aware that BSC are turning up the volume of CEC approvals being a blocker and a risk BSC are not prepared to take. They quote trams stops and Murrayfield underpass as two examples.

My (very simplistic) understanding of the contract is that it is BSC's responsibility to obtain these approvals, but BSC are protected from any delays which are down to the approvers (in this case CEC) acting unreasonably, or changing their minds. They are not protected from any delay caused by submitting incomplete or incompetent designs.

This gives rise to two issues.

Firstly, we need to be 100% certain of the position in regard to all approvals, and if we are acting unreasonably on any of them. You will note that I have robustly defended CEC on this, but we do need to be clear on the facts. For example, if we are to argue in front of the mediator that we are not prepared to pay BSC for the design because it is not fished, BSC will argue it is our fault that is not finished, and the mediator will want to know the facts about the current status of the design, including approvals.

Secondly, whatever the contractual rights and wrongs, and regardless of what scope BSC actually sign up to complete, to get a fixed price we need a fixed design, and this includes approvals. We therefore need to think about what resource might be required to bottom out all outstanding approvals.

Given that mediation could well start in mid January, we really need to hit this hard first thing in the new year, can you please discuss with your team and with me how we might do this, thanks.

Regards

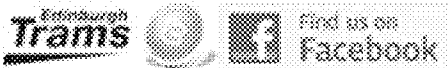
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